Perils of Public Interest Law *Mark J. Green*

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THE NEW REPUBLIC

A Journal of Politics and the Arts—September 20, 1975, 50 cents

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Mixed Memories—*Pauline Maier*

Daniel Aaron on Saul Bellow
B. H. Haggin on Classical Records
Reed Whittemore on Eric Sevareid

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TRB

from Washington ®
September 20, 1975

Bang, Bang

Squeaky Fromme got a double whammy with her picture on the covers of both *Time* and *Newsweek* last week but three days after she tried to shoot Mr. Ford she was only on page 12 of *The New York Times*. A tug of the finger on a trigger of a properly loaded gun would have changed history, but addle-pated Squeaky apparently didn't know you have to pull the slide back on an army .45 automatic to get a cartridge into the gun barrel. So the hardy President was out roaming the country again making dull speeches to selected audiences, the public was yawning again about gun control, and the nation that, more than any other, demands that its politicians glad-hand crowds in the flesh, remains the nation that does the least to prevent them from being turned into martyrs.

The President's Commission on Law Enforcement under former Attorney General Katzenbach made its report in 1967; it recommended gun control.

The National Advisory Commission on Civil Disorder under former Illinois Gov. Otto Kerner reported in 1968. It recommended gun control.

The National Commission on the Causes and Prevention of Violence under Dr. Milton Eisenhower reported in 1969. It recommended gun control.

The National Advisory Commission on Reform of Federal Criminal Laws under former California Gov. Edmund Brown reported in 1970. It recommended gun control.

The Commission on Criminal Justice Standards and Goals, under former Delaware Gov. Russell Peterson, in 1973, recommended gun control.

And so what? Handguns are as easy to buy as flashlights. The Gallup poll says that two out of three Americans favor firearms registration and that they *have* favored control for more than three decades; but there are two and a half million more guns manufactured each year, added to the sea of 40 million American-owned handguns; it's the largest unlicensed civil arsenal of lethal weapons in the history of mankind. People who fear and dislike handguns are buying them now because they fear others who are buying them. And the National Rifle Association and the American Congress are laughing at us. Last year handguns were used to murder 11,000 Americans, about twice the average casualties in Vietnam in peak years. "Too bad!" says the National Rifle Association and Congress sorrowfully. The gun homicide rate in the United States is 6.2 percent per 100,000—10 times above the next highest contender among 13 modern countries. "Perhaps we should look into this," says the National Rifle Association and Congress thoughtfully. But don't think that progress isn't being made. It is no longer legal to sell a machine gun to an individual.

The National Rifle Association in its $3.5 million glass and marble nine story headquarters here in Washington is the gun lobby that scares Congress. Some congressmen say they would like to do something about handguns—you know, crime and all that!—but how can they against an organization with a million members that boasts it can hit Congress with half a million letters on a 72-hour notice? Birch Bayh, Democratic senator from Indiana, at a gun control hearing where they had a display of handguns, toyed negligently with a lethal little nickel-plated snub-nosed ladies revolver with a barrel one inch long—just right for a beaded handbag. It is called a belly-gun in the trade. Why couldn't such things be banned, he wondered? But sportsmen of the NRA have an almost fanatical feeling that registration let alone outlawing of such killers would somehow compromise the farmers' favorite fall outdoor sport, hunting.

The NRA publishes a monthly, the *American Rifleman*, whose gun advertising grosses $1,800,000 a year of the organization's $10 million budget. Lee Harvey Oswald saw an item he liked listed in the February, 1963 issue of the *Rifleman;* sent a $21.45 money order under a fictitious name to the advertiser and that was all it took to change the course of history.

In fact the price of killing Presidents is ghoulishly low. The .44 derringer with which Booth shot Lincoln couldn't have cost more than $15, estimates Robert Sherrill in his book *The Saturday Night Special;* Guiteau paid $10 for the .44 caliber second-hand revolver with which he killed Garfield (with a box of cartridges and a small penknife thrown in); Czolgosz paid $4.50 for the handgun that killed McKinley, and I have cited Oswald's expense above—though he had to pay $1.50 for postage plus the cost of his post office box, "A. Hidell, P.O. Box 2915, Dallas, Texas." As for Squeaky Fromme, she apparently borrowed or stole her gun from a friend.

The political rule is that if you won't take the risk of being murdered you shouldn't run. It's like the ethic 200 years ago about dueling. A gentleman could always be called out. We think that pretty silly today but we still expect a candidate, or President, to expose himself in spite of the 40 million handguns and 135 million firearms sloshing about in the country, and to refrain from talking from a television booth, where he could speak more conveniently and have a bigger audience. Gov. George Wallace opposed gun control; he is paralyzed from the waist down. Mr. Ford "unalterably" opposes registration (though he favors tighter controls of gunstores); he felt the breath of death on his face.

I think that crime, fueled in part by handguns, is one of the most rapidly growing and explosive political issues in the country. It is readymade for a demagogue. Think of how Nixon used it to attack the Supreme Court and for "lawnorder." Anyone who doesn't worry at growing crime is as dangerous as Squeaky Fromme. There are signs of demoralization; crime was up 17 percent last year, the most rapid rise in 44 years of recording. In 15 years murders rose 106 percent, robberies by 255 percent. The courts are in a mess: 90 percent of all serious crimes are plea-bargained (criminals can plead a lesser offense to save time.) No nation will stand anarchy. Before that comes repression.

What to do? One thing to do is to read the five moldering presidential crime reports of the last seven years. There's no easy answer, they say. But the Katzenbach, Kerner and Eisenhower reports are unanimous in linking rising statistics to social conditions, in calling prisons 'graduate schools of crime,' in urging faster justice, and in demanding gun controls.

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Contents
Comment
Diseased Corn, Imaginary Soybeans, Kissinger's Options, Out of Control
America's Checkered Past—*Pauline Maier*
"Freeing" South America's Blacks—*James Thomson*
Oil Based Scottish Nationalism —*Richard Rose*
The Perils of Public Interest Law —*Mark J. Green*
Films—*Stanley Kauffmann*
Music—*B.H. Haggin*
Television—*Reed Whittemore*
Books—Reviews by *Daniel Aaron, L.J. Davis, Susan Previant Lee, Homer Bigart*
The Back of the Book—*Roger Rosenblatt*
Correspondence

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Diseased Corn, Imaginary Soybeans

"The waterfront is not the Bolshoi Ballet . . ." an attorney for a New Orleans grain elevator told *The New York Times* in a story about rumors that a contract was out on a federal grain inspector to break both his kneecaps. The inspector had ignored requests from his superiors in the Department of Agriculture (USDA) to keep silent. As a result he helped expose the biggest scandal in the history of the department. To date 36 separate indictments naming 57 people and companies have been handed down by grand juries in New Orleans and Houston. Investigations are spreading into Philadelphia, Baltimore, Duluth and all the major grain exporting ports. Scores of officials—licensed by the USDA—have been named in indictments for bribery, theft, perjury, income tax evasion and other corrupt practices. At least a hundred more indictments are expected.

Technical discussions on the difference between number two corn and number three or on the difficulties involved in weighing soybeans do not make the average reader's heart skip a beat. Few would disagree with Dale Vining, foreign marketing specialist for USDA: "I wouldn't really say grain inspection is exciting." However few would call the abuses and their results boring—fortunes made in the sale of nonexistent goods, threats of death, international intrigue.

One inspector was convicted of accepting payoffs ranging as high as $5000 to sign certificates stating that ships are clean and fit to carry grain. A check, issued by the Gulf Coast Shipping Corporation, was used as evidence in the trial. The practice of payoffs is apparently so widespread, and blatant, that the check statement clearly notes "Gratuities for Grain Surveyor." It is cheaper to bribe an official than to clean a ship. On June 13, The *Des Moines Register* reported that wheat intended for human consumption was being loaded into a hold containing oil sludge. The ship had been certified as clean.

Inspectors, licensed by USDA to certify grain quality, have pleaded guilty to receiving payments to grade grain as better than it actually is. Having adulterated the misgraded grain with floor sweepings, jimsonweeds, rice hulls and other "foreign matter," it is possible to sell for pure profit the quality grain that has been withheld. Other defendants have pleaded guilty to conspiracy in the fraudulent weighing of grain. On August 7, US Attorney Gerald J. Gallinghouse announced indictments stemming from the sale of "at least nine

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'bargeloads'" of nonexistent soybeans and corn. "In April, 1974," the indictment stated, "Portera, Palmisano and Nicholas traveled to Nassau, Bahamas, where each deposited $100,000 in a branch of the Bank of Nova Scotia." Meanwhile USDA receipts appear to show that over a three-year period, a grain elevator—owned by Cook Industries—sold 18.6 million bushels more grain than it received. Such reports have provoked wry comments about storage elevators that grow grain.

Two major grain trading companies have already been indicted. Bunge, which had two billion dollars last year in sales and which controls approximately 12 percent of America's grain exports, was named by a New Orleans grand jury on charges of "conspiracy . . . to commit systematic thefts of export grain from foreign commerce and to defraud the USDA of its lawful grain regulatory functions." Bunge is one of the six international companies that control approximately 90 percent of America's grain trade. All of five remaining companies are reported to be under investigation. Former officers of Cook, which controls 11 percent of the trade, have been indicted. The other major company to be indicted is Adnac, which is jointly owned by Archer-Daniels-Midland (ADM) and Garnac. Garnac and ADM are each believed to control 10 percent of the trade. Adnac is also being accused of theft and of corrupting public officials.

Sen. Hubert Humphrey (D, Minn.) recently described grain inspection as a "sort of Rube Goldberg type . . . system." The system has remained essentially unchanged since 1916, when Congress passed the Grain Standards Act in response to foreign and domestic complaints that the grain they were buying was not of uniform quality. The act gives USDA the power to test, license and supervise grain inspectors. Inspection is currently taking place at 183 designated points, with 111 official inspection agencies doing the work. Forty-one agencies are run by the local chamber of commerce, board of trade and grain exchange. Forty-seven are run by private individuals. And 23 are operated by the states. The opportunities for conflicts of interest are plentiful. Many of the same people who own the inspection agencies own the grain inspected. Inspectors are paid according to the number of certificates issued, so it is in their self-interest to be permissive. Also officials are regularly stationed at the same grain company elevator, where they form close working relationships with employees. Frequently they feel more like company employees than inspectors.

While federal employees are prohibited from conducting original grain inspection, the Department of Agriculture has final responsibility for the work of the licensed inspectors and can—with cause—have licenses revoked or suspended. Because of budget-cutting measures, in the past 10 years the staff of federal grain inspection supervisors was cut from 300 to 220. During the same period grain exports rose dramatically. For example, in 1969, the US exported $5.7 billion in agricultural commodities and in 1975 the figure was $21.6 billion. (Over half the exports are grain.) While the grain division was cutting back on its staff, complaints from foreign buyers poured in. Some were not even reported. One former agricultural attaché said he did not report the arrival of weevil-infested rice in Iran; another former attaché was in Germany to watch corn that arrived "burning up." Last week an official in the Foreign Agricultural Service (FAS) said, "As price goes up the complaints go up and as price goes down the complaints go down." He said the Department of Agriculture only listens to complaints "because we have to be nice" and "there's nothing we can do about them anyway." As a matter of form, USDA instructs agricultural attachés—who are USDA employees—to send back samples of grain for inspection. The samples—which ideally are in five pound units—arrive in diplomatic pouches, and the mail room of the State Department sends them over to USDA.

But even if the Grain Inspection Division finds that the samples corroborate foreign complaints of insect-infested, musty, protein-deficient, damaged, substandard, dusty, poisonous grain containing rodent droppings, glass, other grains and "weevil-bored kernels," it can do nothing about it. Since the grain was inspected when it left the United States, it is "certificate final." The Department of Agriculture is in a Catch-22 position. Even if it can be proved that the grain was damaged or was sent short of weight, Department of Agriculture certificates say that it wasn't. So the complaints have been ignored and continue to be ignored. Until July 1, the department's office of investigation was not informed of the results of testing. Even though the department has the authority it only recently requested that agencies keep samples of inspected grain, to be compared with foreign samples.

Secretary of Agriculture Earl Butz and his under secretary J. Phil Campbell were informed by newspaper accounts by William Robbins of *The New York Times* and James Risser of the *Des Moines Register* that a 1969 study prepared for the Department of Agriculture warned, "After listening to complaints for three weeks and seeing the look on peoples' faces and in their eyes when they accuse the inspection system of being subject to bribery, I cannot stress too strongly the part good inspection practices, constant supervision and quality control must play in helping this country retain the overseas grain markets."

Rep. Jamie Whitten (D, Miss.) and Neal Smith (D, Iowa) blamed the department for failing to heed its own warnings because Butz abolished the office of inspector general in 1974. The office had been created after the Billie Sol Estes grain elevator scandal of 1962. Whitten said that he helped then Secretary of Agriculture Orville Freeman to set up the office, "for it was clear that the various agencies in the department could not

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be permitted to investigate themselves or they would cover up corruption and mismanagement."

Butz, in abolishing the office of inspector general, split its function between the office of investigation and the office of audit. Both offices investigated charges of corruption and found them baseless. It was only after the US attorney's office in New Orleans and the FBI began their own investigations that the Department of Agriculture decided to join in the effort. Neal Smith said, "I don't think Butz wanted to hear about what was wrong with the way the department was operating. If he didn't know about what was wrong, he just thought it would go away, or would be someone else's responsibility."

On August 18 President Ford vowed to clean up the grain scandal. In a speech at the Iowa state fair in Des Moines, Ford said, "I can assure all farmers and their overseas customers that we will move vigorously to clear up this problem." Four days earlier, Bernard Brenner, of United Press International, reported that the White House's Office of Management and Budget had rejected Secretary Butz's suggestion that grain be inspected by state and federal departments of agriculture, instead of by private individuals. The White House was reported to be against the plan because of fears that it would be inflationary, even though the cost would be absorbed through fees charged for grading.

This week Rep. Thomas S. Foley (D,Wash.),chairman of the House Committee on Agriculture, is to hold hearings on the scandal. Last week Sen. Humphrey's subcommittee on Foreign Agricultural Policy was scheduled to meet to polish up and vote on an emergency grain inspection bill. Meanwhile the General Accounting Office, Congress' investigative arm, has been asked to do a serious study of the scandal and produce a report by February 15, 1976. Sen. Dick Clark (D, Iowa) has asked the Multinational Corporation subcommittee to widen its investigation of the principal grain trading companies. A member of Clark's staff says that he suspects that some of the major grain trading companies are deliberately adulterating American soybeans so as to make them less competitive, and thus boost the market for soybeans from Brazil, where there are reports of large land-holdings by grain trading companies.

Finally a complaint recently received by the Department of Agriculture reports that 30,000 pounds of corn—shipped to Honduras by CARE (Cooperative for American Relief Everywhere)—was so badly infected that it was not only dangerous for humans, but for livestock as well. The corn, which was donated by the government's Food for Peace Program for the hurricane victims of Fifi, which left 5000 dead and 100,000 homeless, had to be dumped at sea. By the time the condition of the corn—which had been certified by licensed grain inspectors—became known, it was too late. The people for whom the corn was intended had long since sickened or died.

Kissinger's Options

Old cold warriors aren't the only ones who think Brezhnev and Kosygin mean far less by détente than Henry Kissinger does. Obstreperous about arms control, callous about the human rights provisions of the Helsinki accords, the Kremlin leadership has yet to understand that conciliation between Washington and Moscow must go two ways. Til now, with his pragmatic appreciation of the long-range risks of a lapse into the kind of Soviet-American enmity that the world lived with for a generation, Kissinger has tried to keep up the momentum of détente—as if it were a matter of keeping a stiff upper lip—by giving economic incentives to the Russians and by keeping the US out of crisis areas like India and Portugal. Nevertheless it is neither Henry Jackson nor George Meany who is the most serious impediment to the Secretary's policy, but his negotiating partners in the USSR.

A telling statement of their intentions is the Soviet response to Dr. Kissinger's achievement in peacebuilding between Israel and Egypt. Incendiaries during the October 1973 war, the Russians are in the same role today, even as the two main adversaries in that conflict move away, tentatively, from the reflexive violence that has characterized the Middle East. The symbols of politics reveal its content, and the Russians have done what they could symbolically to have this second interim agreement begin as inauspiciously as possible. Expected to preside, along with a representative of the United States, at the initial signing of the pact in Geneva, the Russians announced in Damascus that their delegate would boycott the proceedings. Although the US saw this act for what it was—a sign of reproach and disapproval, Assistant Secretary for Near Eastern Affairs Alfred Atherton stayed away too "not to embarrass the Russians." Playing along with the Russians in this way downgraded the accords, which are precarious enough as it is. The ceremony, unattended by the big powers, showed just how precarious. The Israeli delegation was headed by a high ranking diplomat, the Egyptians by a general, and they sat at separate tables. For Jerusalem, the occasion was of political importance, a fragile augury of normal relations between Jew and Arab. Cairo wanted it to seem military in character, another disengagement of forces. If dispatching a decorated uniform to Geneva eases extremist pressure on Sadat, perhaps we should not begrudge him his own manipulation of symbols. Nonetheless the suspicion remains that Sadat himself is reluctant to accept fully the political consequences of the Kissinger diplomacy.

The Russians are not dealing in symbols alone. They have set themselves against the agreement, and they are doing what they can to undercut it. They have their reasons to be unhappy by the pact: they will not participate in policing it and the Americans will; they feel frozen out. They froze themselves out. Nothing in

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Russian behavior since before the Six-Day War gives them credentials as peacemakers, or peacekeepers. First they mobilized Israel's enemies, then along with other Communist governments broke off diplomatic relations with the Jewish state, and finally joined the egregious chorus for a *cordon sanitaire* against it in international organizations. Their most stable relations in the Arab world are now with its more intransigent elements, including countries and movements that, satisfied with nothing less than the ultimate destruction of Israel, compose the "rejection front." The USSR is not an acceptable broker or guarantor in the Middle East. (It would be as if the US, having responsibility for the carnage in Southeast Asia, were to insist that it still reap political benefits there.)

If the Arab-Israeli conflict is in fact the most likely setting for a Russo-American military confrontation, the Soviets have, irresponsibly and shortsightedly, increased the risks that it will happen. What, then, is left of détente? What, moreover, could détente have implied in the first place?

Russian mischief affects adversely more than the future of Soviet-US détente; it threatens also the implementation of the present Middle East agreement and the prospect of further progress toward peace among the various antagonists. While the Soviet Union cannot produce concrete gains for its Middle East allies, it is hardly without cards to play. The capacity to obstruct is highly regarded among partisans of Arab *revanche*, and Egypt will bear the brunt of their pressure. The Soviets, who already have thousands of "advisers" in Syria of the sort we had in South Vietnam, will continue arming whoever toes the bellicose line. Already, an unlikely alliance has emerged between Moscow and the virulently anti-Communist, oil-rich clerical reactionaries in Libya; and the two of them together may succeed in reconciling the hitherto irreconcilable Syrian and Iraqui Ba'aths. The Russians, moreover, obliged only to disrupt, will make common cause with both Hussein and Arafat, whose goals also are not compatible.

Such Soviet gains among the Arabs will not enhance the climate of negotiations. Dr. Kissinger will try to retard those gains, among other means by the enticement of American aid. Friends of Israel should not disdain the need or the tactic: leaving Russia's hand in the region strengthened serves neither the interests of Israel nor those of peace. Amidst the early euphoria of the second stage agreement, the Secretary has revived his aborted scheme to sell 14 batteries of Hawks to Jordan. The response of Congress is uncertain.

If he succeeds this time, he will tell us that he has kept Hussein from Moscow. He will, however, have provided the king not merely with the wherewithal for defense, but also with inducements to join another war. This is the difference between the three to six batteries our Joint Chiefs of Staff say Amman may need for its protection and the 14 batteries which constitute a massive aggressive potential. Arnaud de Borchgrave, *Newsweek's* resident amanuensis for any Arab ruler who'll see him, is contemptuous of such fine distinctions. In one of his periodic favors for the gracious host of the moment, he urged that whatever the friendly monarch wants should be granted. There would then follow quickly demands for an arms package for Egypt; and the US would find itself on a blackmail treadmill, arming everyone just so that the Russians don't.

But what then happens to the Secretary's hopes for peace between Arabs and Israelis? The leverage we have over Israel is nearly complete; that is what really defends Jordan from attack. But we can have no comparable influence with any Arab power which, though armed by us, could at any point turn to the ever-willing Russians for assistance and launch another war. The arms aid route to cementing ties for the US is not a safe one. David Ottaway reports in *The Washington Post* that arms aid we had given Zaire was now deployed in the Angolan civil war. The quantities involved in a comparably unintended arms transfer during a Middle East war could be enormous and decisive.

Bonds built on arms are, in any case, not permanent as Dr. Kissinger by now must know; and if Hussein will slouch toward Moscow simply because we have not come across with the precise number of Hawks he demands, he is not a dependable ally: his apostasy comes too easily. The challenge of bolstering our relations with the Arab states, however, is a real one. Lasting ties come from genuine achievements. We can afford the Arabs the chance to concentrate on their internal problems of modernization and economic development. Egypt now has seen that this is possible, and it should get generous financial and technical assistance. If the agreement between Israel and Egypt is carried out in good faith, it is not hard to envision an Israeli-Jordanian agreement that allows the same opportunity, and also makes serious strides within that agreement toward the realization of Palestinian Arab self-determination. But inflated arms trade with the US can be as much of an incitement away from a negotiated settlement as the political warfare now waged by the Soviet Union. Kissinger must persuade the Russians that their belligerence in the Middle East makes détente meaningless, or he should learn finally that they are contemptuous of détente. At the same time, he must pursue the course on which he has embarked without deluding himself that he can purchase Arab confidence in Americans, and in our efforts for peace, with arms.

COMING: Hans J. Morgenthau on three paradoxes of US foreign policy

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Out of Control

President Ford, as he had promised, vetoed a bill that would have kept the federal price ceiling on "old" (pre-1973) crude oil for an additional six months. Price controls expired on September 1. This was the final defeat for Democrats in Congress who'd been struggling since 1973 to halt inflationary jumps in oil prices. The Senate tried to override the veto, but failed by only six votes (61-39). Seven Democrats joined the Republican minority to support the President, all of them from oil states: Bentsen (Tex.), Eastland (Miss.), Gravel (Aalaska), Johnston (La.), Long (La.), McGee (Wyo.) and Montoya (N. Mex.) The Democratic leaders called a meeting afterwards to decide what to do next, but after sulking for an hour or so, gave up, apparently unable to reach a concensus. Sen. John Pastore (RI) said, "We've got the minority dragging the majority by the nose."

Ford won a victory over the Democrats last week, but what else did he accomplish? One oil economist on the staff of a federal agency in Washington doesn't think the President won anything of substance. The claims Ford made for his new program don't seem to jibe with reality. The economist pointed out that, contrary to Ford's boasts, his new oil plan will not end government meddling in the business. Ford's energy man Frank Zarb admits there will still be federal rationing of natural and synthetic gas (propane) because the shortage is severe. And, in promising to sign a "compromise decontrol plan," the President also agreed to keep federal ceilings on oil prices for at least three years, probably longer. There's also been talk of giving additional protection to those hurt most by changes in the oil business—specifically, independent refiners and small businessmen who hold franchises to run gas stations for the big corporations. There may yet be a windfall tax on oil. These promises, if kept, will require new allocation rules, new meddling, more bureaucracy. All of it adds up to a program that's no less complex, no less dominated by the federal government than the one we have today. The difference is that Ford's program will allow the companies a wider profit margin and a hope of eliminating all regulations sometime in the distant future.

After two years of staging publicity skirmishes over petroleum, the branches of government are at last getting down to the task of reform. Ben Cooper, an economist on the staff of the Senate Interior Committee chaired by Henry Jackson, believes that the real task all along has been to write better federal regulations, not to scrap them. Now that Ford has temporarily given up his position that all controls must be abandoned, and Congress has been bludgeoned into allowing the oil companies a larger profit margin, this work can begin. Federal regulations will be with us for at least three more years, Cooper argues, so it should be possible for the President and Congress to cooperate in attacking the obvious problems. The first of these, Cooper says, is to find out why domestic oil production has declined at a rate of seven percent a year since the embargo of 1973, and to alter regulation if necessary to reverse the trend.

America's Checkered Past

The Bicentennial is now clearly underway, and there are some signs that the confusion that characterized the planning stage is being resolved. It now seems possible that the Revolution will be commemorated in a serious and focused manner, despite a lack of inspiration and direction from the government's American Revolutionary Bicentennial Commission. But the celebration will be far different than that of 100 years ago, and as such will have to confront problems of attitude toward the Revolution that go far back in the nation's history, and make any "celebrating" of that event particularly complicated.

There are at least two ways to commemorate a major historical event. One is to forget the past altogether, except as the starting point for a period of great progress. That was the way of the Centennial celebration: Americans of 1876 spent little time memorializing the Revolution. Instead they celebrated a century of growth and achievement. The Civil War had been won; the republic had survived perhaps its severest test. But Americans were even more impressed by dramatic advances in industrial production and technology: the Centennial exhibit was remembered above all for its Corliss double steam engine, its "pumped cataracts" or artificial waterfalls. That monumental exposition in Philadelphia testified that the United States had come a long way in its first 100 years, and visitors could readily conclude that its future course would be steadily upwards.

Today the mood is far different. We ponder a deserved defeat in Vietnam rather than victory at Appomattox. Technological messianism has dissipated. The past too often seems a record of broken promises—to blacks, to Indians, to women. Belief in progress is out of date.

The alternative is to look back upon the historical event itself and examine its meaning for the present. With the flowering of lectures and symposia on the Revolution throughout the country, and more important, of plans for television to bring the public a reconsideration of the Revolution, this promises to be the way of 1976. Here the problems come in. For one thing we have been separated from the Revolution by a thick buffer of nationalist myth that has reduced it to a set of uninteresting clichés. Whether that can be

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overcome remains to be seen. And because Richard Nixon moved the Bicentennial's conclusion back from 1783 to 1776, we have been left to celebrate just that part of the American Revolution towards which we have the greatest ambivalence: the rebellion against Britain.

Mixed feelings about the nation's origins are not distinctive to the United States. They are characteristic of nations born in revolution, all of which (except perhaps Mao's China) look back on their revolutionary beginnings as events which, like birth, are accomplished once and need never be repeated. All established governments, even new ones, are conservative, counter-revolutionary in internal policy by reason of their desire to survive. To the extent that resistance to authority and local revolutionary committees persisted in the United States after the reinstitution of the regular government, they constituted a threat to the republic. As a result the 1770s marked a major change in American history even beyond the declaration of independence. Rules were changed; what had been legitimate in the past was no longer legitimate.

Popular resistance to authority, for example, enjoyed a large measure of acceptability in the colonial period. Readiness to resist abuses was commonly considered an essential check on power, and so a necessary component of free, constitutional government. But with independence and the founding of the republic, even old resistance leaders like Samuel Adams argued there could be no more "forcible opposition to the laws." Resistance under monarchy was justifiable, Adams argued at the time of the Whiskey Rebellion, but not in a republic, for republics guaranteed that the people could achieve through the ballot what before they could achieve extra-legally.

Not that revolution was outmoded. Instead it was institutionalized. Encroaching power, the target of the insurgents of 1775-1776, could henceforth be cut down through constitutional processes as in the "Revolution of 1800," or that of 1974. Watergate, the impeachment proceedings and the downfall of Richard Nixon may in fact have been the greatest Bicentennial "reenactment." The movement against Nixon and his advisers was not just another instance of historical "parallelism." It was a lineal descendant of 1776, an effort to repeat exactly what the revolutionaries had done—to bring down the abusers of power—through constitutional processes that were designed as a surrogate for revolution in the style of 1640, 1688 or 1776.

Because the rules were changed with independence, the period before 1776 came to represent less a precedent than an embarrassment for the new republic. Still the Revolution could not simply be forgotten; it remained a seminal event that defined the nation. It alone could provide a nationalist symbol to counteract the forces of internal disintegration in the 1790s and early 19th century. But to serve this purpose the Revolution had to be edited, to be recalled only selectively. The Founding Fathers, men who designed and established America's new governmental institutions in the 1780s and thereafter, whom the historians Eric McKitrick and Stanley Elkins have called "young men of the Revolution," were revered, even mythologized. Meanwhile the old revolutionaries, who led resistance to Britain in the 1760s and early 1770s, were for the most part forgotten or remembered for later services. The Revolution, moreover, was confounded with the revolutionary war, an event wonderfully fitted for nationalist myth. The war was heroic, absorbing, concrete, finished and it served to reinforce soldierly virtues of endurance and submission.

In the 20th century, as the United States became an international anti-revolutionary power, her own rebellion continued to be an embarrassment, its leaders, as one historian put it shortly after World War II, "left-wingers in their respective regions" who circulated the "Adams brand of poison." Appropriately sympathies today go more easily toward the Loyalists, victims of a disorderly era who suffered because they could not throw in their lot with agitators and visionaries. It is no accident that a spate of new, solid, "sympathetic" books on the Loyalists—Robert Calhoon's *The Loyalists in Revolutionary America;* Mary Beth Norton's *The British-Americans;* Bernard Bailyn's *The Ordeal of Thomas Hutchinson*—may well prove the most important scholarly development of the Bicentennial era.

All of this of course complicates the Bicentennial celebration. Boston Mayor Kevin White was one of the first to confront the difficulties. "We stand today on sacred ground," he told the crowd on the 200th anniversary of the Boston Massacre. "Sacred not to the celebration of a riot now two centuries old. Sacred not to the memory of those men, black and white, who died here. Sacred not even to the independence of our country. Sacred instead to the concept of ordered liberty and reasoned resolution of political disagreement." But ordered liberty and reason had little to do with the massacre. In fact White's insistence that "a solution which relies on blind force solves nothing" suggested he was less concerned with the "rioters" of 1770 than with the more recent "disorder" of the 1960s.

The Bicentennial celebration is complicated, moreover, by the fact that the Revolution did not end in 1776 or even in the peace of 1783. The earliest part of the Revolution was fought for majority rights, for the right of an American community to control its own fate. It involved a dismantling of strong central authority controlled from abroad. But with the establishment of republican governments in the states a new and unpredicted problem emerged: minority rights. Elected legislative governments harassed Loyalists, infringed the rights of creditors and ignored the limitations in their own, newly-written constitutions. Democratic

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governments, it seemed, could be as arbitrary and tyrannic as monarchies. The result, worked out over time, was the reemergence of a strong central authority in part to enforce a respect for "basic rights," understood ever more broadly, upon an unwilling people.

These two segments of the Revolution were contradictory in direction, and they have contemporary political consequences. The contradiction means, for example, that those who rely heavily on federal authority to realize the promises of the Bill of Rights can justly claim to act within a tradition of the American Revolution. But in many cases so can their opponents. The antagonists of forced busing in Boston, for example, wear tricorn hats and demand community self-government, like their predecessors of 200 years ago.

It will never be easy to celebrate a Revolution at once so threatening and so relevant. It is enough, perhaps, to come to terms with the events, to understand that it was more complex than most Americans are taught in school, that it left posterity not just ideals and heroes but dilemmas that remain unresolved. Realism as to origins is, after all, appropriate for a nation at age 200.

Pauline Maier

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How, Maybe, to Avert a Bloodbath

"Freeing" South Africa's Blacks

by James Thomson

Balthazar Johannes Vorster, South Africa's prime minister, has the Teutonic cadences, deadpan humor and pear shape of Henry Kissinger. He is also both pragmatic and enigmatic. And he is trying to practice his own version of detente in relations with the black African nations to the north of his white-ruled fortress.

For some time now he has seen the writing on the wall: about the vast Portuguese territories of Mozambique (now independent, under black Marxist rule) and Angola (about to be the same, though torn by black civil war); and, most painfully for his fellow believers in apartheid, about Rhodesia where the breakaway white minority regime is clearly doomed. But whether Vorster sees the writing on the wall at home—and is willing to practice detente at home, and to do it quickly—is a question that tantalizes South Africans.

Is he ready to move toward the sharing of wealth and power with the nonwhite majority in his own country—mainly blacks, but also "coloureds" (of mixed blood) and Asians—and to get on with it soon enough to avert volcanic violence? This was the ever lurking question among South Africans I talked with this past July. Its answer will shape the fate of four million whites and the 20 million nonwhites they now subjugate.

Those who know Vorster say he is a realist about the pressures at home: rising black consciousness, despite tribal and linguistic divisions; black awareness of and exhilaration about the momentous shifts of power in Mozambique, Angola and potentially Rhodesia. In addition he faces the gradual unleashing of black politics via the so-called "homelands" (black reserves), politics long muted since the black protests and white repression of the 1960s. Then too there's the emergence this summer of a new white coalition party of Progressives and Reformers dedicated to the creation of a multiracial nation; and, finally, an uneasiness among even Afrikaner whites about heightened opprobrium from the international community. (It *is* true that nothing has hit the average white South African harder than the widespread sports boycott of his teams and athletes.)

At the same time Vorster's Nationalist party owes its

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27 years of unbroken power to a backbone constituency of traditionally conservative (and traditionally rural) Afrikaans-speaking whites of Dutch, French and German descent. Their usually tight unity as a beleaguered *Volk* apart was forged by recurrent wars with black tribes and also with those eventual overlords of both, the British—whose descendants now constitute 40 percent of the white minority. Vorster's Pretoria government also has the biggest and best-equipped military, police and security forces on the African continent, ready to crush black political aspirations. And Vorster is already pressed, though not yet significantly, by a right wing splinter party that regards both détente abroad and his willingness to dismantle "petty apartheid" at home as a betrayal of his Afrikaner heritage. Petty apartheid encompasses visible segregation in hotels, restaurants, theaters and other public places.

So, does Vorster intend détente at home, and if so, can he produce it rapidly enough?

Our test will come a year from now, when Vorster's domestic fallback, the end-product of years of Nationalist planning, will come into being: the newly "independent" black nation of Transkei, occupying some 14,000 square miles of rugged enclave on South Africa's windswept Indian Ocean coast.

Transkeian "independence" will be the crucial move in an elaborate cosmetic shift designed to *look like* détente at home while actually averting true détente. Its aim is instead to perpetuate the "grand apartheid" that is the central underpinning of white supremacy in South Africa: white control of all significant wealth and power.

The Transkei will have a capital at inland Umtata, a Victorian frontier town soon to be refurbished with palatial new buildings; an industrial park at Butterworth; a rather iffy anchorage at tiny, formerly white Port St. Johns on the coast; a prime minister in the person of Paramount Chief Kaiser Matanzima, who has exercised partial "self-government" under Pretoria since 1963; a constitution, a flag and other trappings of sovereignty. It will also have some four million "citizens," mostly of the Xhosa tribe, one of South Africa's two dominant black groupings. Half of those citizens, however, will actually be living not in their own assigned nation but in the black ghettos of the Republic of South Africa; and many of them will have never laid eyes on the Transkei.

Much is at stake in Transkeian independence. For Vorster's Nationalists the Transkei was years ago decreed a "Bantu homeland" (Bantu is the official term for blacks, one despised by them). More important the Transkei is the prize exhibit of the policy of "separate development," the official euphemism for apartheid. As the only one of the nine designated homelands committed to opt for Pretoria's offer of independence—and also the only one whose territories are all contiguous rather than patches here and there—it is crucial to the success of separate development.

If the Transkei gains some degree of international acceptance—great power recognition, perhaps UN membership—and at least the look of independence, then other homeland leaders, currently very reluctant, may be persuaded to follow suit. At that point Pretoria would be well on the way to the surgical excision from its territory of large clusters of blacks—with 80 percent of South Africa's population reassigned to 13 percent of the land. Not only excision, but *multiple* excisions, in ways that will leave the blacks not merely separated from South Africa but also nicely divided from each other. Remove-divide-and-rule will have worked. Except, of course, for those millions of blacks left in the urban ghettos, who will then be considered foreign migrant laborers, as deprived of legal and political rights as they are today.

But if Transkeian independence somehow fails, the Nationalists' homeland solution to the race problem will turn out to be no solution at all. And South African politics may suddenly become extremely volatile. Or, as one true-believing Afrikaner academician put it to me, "The alternative is too horrible to contemplate."

Others who have stakes in the Transkei outcome are Pretoria's black collaborators; and also their opponents. In the Transkei itself, for instance, the hereditary Xhosa chiefs—the brothers Matanzima (Kaiser and George)—and their lesser-chief supporters in the Transkei National Independence party have established a mutually beneficial and highly lucrative relationship with Pretoria. This is hardly surprising since South Africa currently subsidizes 80 percent of the Transkei budget—and will have to do so after independence for the foreseeable future. For nowhere on the horizon is there even a glimmer of economic viability for the enclave, though Umtata's wistful bureaucrats speak glowingly of future competition between Washington and Moscow in providing foreign aid to the new nation, of European investors, even of a possible Pentagon bid for a naval base on the coast.

The Matanzimas are regarded by many of their own Xhosa subjects, as well as non-Xhosa blacks, as Uncle Toms or worse. Their response, and that of their followers among the Umtata fat-cat establishment, is that Pretoria is getting something it hadn't bargained for: a truly independent black state, with potential political muscle, that can gradually make its weight felt in behalf of all South African nonwhites and eventually, perhaps through federation, achieve a sharing of power in a multi-racial South Africa.

While Pretoria thinks it's using *them*, they are—they assure you, with a wink—using Pretoria. "If they try to push us around after independence," one black entrepreneur told me, "they'll be sorry." "You'll make them ride in the back of the bus?" I asked. "We'll show them," he replied, "that they're riding the back of the tiger." This despite some glaring post-independence

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anomalies like the perpetuation of control by the Cape Province of Umtata's large modern high school as an all-white institution, also the construction of splendid segregated housing and other facilities for the expected white "advisers."

The Matanzimas' critics, inside and outside the Transkei—some white, but mostly black—perceive instead a combination of self-enrichment and wishful thinking, or opportunism and greed. Their central and most searing charge is that the charade of independence will permanently deprive four million Transkeian blacks of their birthright: an equitable share in the wealth and power of the South African nation—a nation in large part created and sustained by the toil of blacks.

Such is the view of the sad and wise leader of the Transkei's opposition Democratic party, attorney Knowledge Guzana (his brother, a banker, was prophetically christened "Savings"). He is a Methodist lay preacher whose party is now hopelessly outnumbered in the legislative assembly—thanks, so say journalist observers, to old-fashioned Tammany Hall bribery by the chiefs at election time.

Such is also the view of large numbers of younger Xhosas one meets accidentally within the Transkeian bureaucracy. Their articulate fury is impressive. They point out that the Transkeian people were never consulted, just the tribal brass; no referendum was ever held on independence. Furthermore, as one young man put it to me, "Independence means nothing without *freedom*." Freedom from Pretoria's control in economic and security affairs is simply not in the offing; and as for the Xhosa chiefs, few of their subjects believe they will ever rescind the state-of-emergency decree that they invoked more than a decade ago.

These younger blacks speak bitterly of their jeopardized "birthright" in white South Africa. And their frustration takes forms that sometimes shock. For instance: "You should understand that Gen. Amin is a hero to us all." And their fascination with the forbidden topic of Chinese communism is at a fever pitch of intensity; perhaps Maoism, now much admired to the North, can provide *them* with a model? But then comes the sudden admonition, spoken with equal intensity: "We must learn to love the white man." For their nearly unanimous verdict is that there can be no ultimate solution other than a "nonracial" South Africa.

Beyond the Transkei's borders the Matanzima route is also opposed by Pretoria's most bravely outspoken critic among the homeland leaders, Chief Executive Gatsha Buthelezi of kwa-Zulu, a "homeland" of nine separated territories in the Northeast between the port city of Durban and Mozambique. An able, intelligent and charismatic chief of the Zulus (South Africa's other dominant tribe) Buthelezi is free—so far—to speak his mind and to travel abroad because of the office he holds. And he says things that would quickly bring jail terms to less important blacks. But he walks a delicate path between Pretoria's wrath, on the right, and the blacks to his left who suspect him of selling out.

Buthelezi, a youthful 47, is a sensitive, religious Anglican whose simple office in his hill-town capital at Nongoma has photographs of Martin Luther King and Robert Kennedy. A participant in "separate development," he openly uses it to seek its destruction or redirection and to help create instead one nonracial nation.

And isolated in the mining town of Kimberley, entering his 12th year of detention, Robert Sobukwe also scorns the Transkeian experiment. Leader of the Pan African Congress, Sobukwe urged the passive resistance to the notorious "pass laws" that resulted in the Sharpeville massacre of 69 unarmed blacks in 1960. (A black's pass, or "reference book," decrees where he or she must live, work and travel, must be regularly endorsed by police and employer, and carried at all times.)

Sobukwe served six years in prison, three of them in solitary confinement on Cape Town's Robben Island, and then, on release, was "banned" by Pretoria—meaning, in his case, sent to a far place, put under modified house arrest, forbidden to write, speak in public, be quoted, or to meet with more than one person at a time. Though long silenced, this man, now 50, remains a great hero and hope to many black Africans one meets throughout the country. (The other detained black hero regularly mentioned is Nelson Mandela, leader of the banned African National Congress, now a prisoner on Robben Island.) Sobukwe, still strongly anti-Communist, a Democratic Socialist who is confident of the overthrow of apartheid, has nothing but contempt for those who cooperate in the homelands policy.

Finally among whites as well as blacks the Transkeian showpiece—and separate development itself—seems likely to founder on that great unresolved problem: the future of the urban blacks despite and after any homeland independence. Nonwhite labor is essential to virtually every function of white society in South Africa. Mines, factories, farms, transportation, hotels, restaurants and almost every home—all are heavily dependent on black labor; most would grind to a halt if such labor collectively decided to withhold itself.

But then, of course, one is regularly reminded by nationalist whites that the blacks rely on the white man's wages for sheer survival. Those wages and incentives will now be gradually increased; the blacks will be enticed as well as forced into ties with the homelands; and they will continue to be prevented from organizing within those dormitory townships into which apartheid has packed them by the million, sometimes 15 to the standard three-room cabin. Black laborers, one is told, will learn to live as migrants, expecting no rights within the white man's territory where they happen to spend their entire working lives.

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And wives and children will be forced—as so many are now—to live apart in the homelands.

Nonsense, reply the blacks one meets. It simply won't work for the black man will never accede. He knows that his strength is growing, along with his support abroad; that his numbers are growing faster; and that time is on his side. And unless grand apartheid is abandoned, and true détente applied instead, the black urban ghettos will erupt; and the long-predicted "bloodbath" will finally begin.

And here one reaches that critical threshold in South African conversations: the issue of violence. In a society where all who dissent must assume police surveillance, no opponents of apartheid—black or white—actually advocate violence. Virtually all express the hope that violence can be avoided. Since whites have the fire power, but blacks the numbers, many of both would die—but infinitely more blacks. Yet most predict urban violence, or at least the threat of violence; hope that the threat will be enough to convince Pretoria to abandon separate development; but conclude that, come what may, the blacks will prevail and South Africa will become, within the next two decades, a nation governed largely by blacks.

If the homelands policy is indeed doomed, and violence so costly, there does seem to remain one large rational alternative—a commitment by Pretoria to the creation of one truly multiracial nation. That must mean a nation in which nonwhites have the vote, can own land, can keep their families intact, and are provided with free and compulsory education for their children—all of this now denied them. It must also be a nation in which the shackles of the pass laws are cast off.

Such a breathtaking about-face would seem anathema to even a *verlighte* or enlightened Afrikaner. And yet there are some who know Vorster well who see in him the qualities required to lead such a shift if the homelands policy collapses in the wake of the collapse of the northern territorial buffer. He has impeccable Afrikaner credentials in party, state and Dutch Reformed Church; also shrewdness, pragmatism and a strong instinct for survival.

Vorster has counseled those qualities to his white brothers in Rhodesia, pressing them to share power with *their* blacks. It will be an infinitely harder thing to apply them at home. But if anyone can avert the South African bloodbath by persuading his fellow whites to accept détente at home, Vorster may be the man. Whether he chooses to do so will be his ultimate test.

Tartan Sheikhs?

Oil Based Scottish Nationalism

by Richard Rose

Glasgow

There will always be an England, but the future of the United Kingdom, of which England forms one part, is very much up in the air. Like most European states, the United Kingdom of Great Britain and Northern Ireland is the product of centuries of warfare, dynastic accidents, shrewd political judgments and a modicum of luck. Its present boundaries date from 1921, when 26 counties of Ireland seceded. Its future boundaries are now threatened by nationalist demands, in Scotland, Wales and Northern Ireland.

Richard Rose is professor of politics at the University of Strathclyde, Glasgow, and a frequent contributor to the British press. He has written a monograph on the *United Kingdom as a Multi-National State*, and a study of Northern Ireland, *Governing Without Consensus*.

While Americans now know that Northern Ireland does not fit their stereotype image of British politics, the rise of Scottish and Welsh nationalism has attracted little attention internationally because it has occurred without violence. Welsh nationalism is of limited international significance because it involves an inward-looking concern with an ancient but inaccessible language. But Scottish nationalism is important because of massive oil reserves in the North Sea off the east coast of Scotland. The oil reserves are equivalent to 30 percent of known American reserves. Half jokingly, British papers refer to the creation of a new tribe of tartan sheikhs.

It did not take the discovery of oil to make Scotland a nation. The Scots have always been different from the English. Until 1603 Scotland was a separate kingdom.

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Then, James VI, King of Scotland, fell heir to the English crown, following the death of the childless Queen Elizabeth, and moved to London. In 1707 the parliaments of Scotland and England were merged in a single British Parliament, and Scottish political representation moved to Westminster as well. The Scots were left, however, with a separate Presbyterian state church, a separate legal system and a separate educational system. The Scottish economy merged with England at an opportune time: the outbreak of the Industrial Revolution. The upshot is that Scots, like Texans, have long had a dual identity: they see themselves as Scots and as British.

The contemporary resurgence of Scottish nationalism began a decade ago, before oil was found off Scotland's coast. In 1964 the Scottish National party nominated only 15 candidates for Scotland's 71 seats in the British Parliament, and won but two percent of the Scottish vote. On November 2, 1967 the party scored its first breakthrough, winning a by-election from Labour in the steel and coal mining constituency of Hamilton, near Glasgow. The sharp, shrill voice of the colorful SNP winner, Mrs. Winifred Ewing, brought Nationalist demands to the attention of London. The Labour government of Harold Wilson responded by a conventional stalling tactic: it appointed a Royal Commission on the Constitution, which took four years to produce a report full of division and dissent. In the 1970 British general election, the SNP won 11 percent of the Scottish vote, but lost Hamilton; its only MP was a Gaelic-speaker from the Hebrides islands off Scotland's mainland.

The fluke outcome of the February, 1974 general election put the SNP back in the forefront of Westminster politics, for Labour entered office without an overall parliamentary majority. The SNP won seven seats at a time when seven seats were highly prized. The Labour government, fearful of losing power in London by losing seats to the SNP, issued a devolution white paper last September. It rehearsed all the arguments against devolution, and then pledged to create a popularly elected Scottish Assembly. Last October Labour managed to contain the SNP, but the party won 11 seats and 30 percent of the Scottish vote, pushing it ahead of the Conservatives, and only six percent behind Labour in popular support.

London is now making haste to do something that will, in the words of Whitehall officials, "build a firebrake" between the present pro-British sentiments of the Scottish majority, and independence. It does this because of the importance of Scottish oil to the British economy. By 1980 reputable estimates indicate that Scottish oil production of 158 million tons annually will not only secure Britain's energy resources, but also produce a hefty surplus of export. The total government 'take' from oil revenue could be £3.3 billion (about $7.25 billion), a sum greater than the total cost of the British National Health Service.

The Scottish National party does not overlook the importance of oil. Its current slogan is: "It's Scotland's oil." Its candidates are quick to point out that dividing oil revenue among Scotland's five million people is 10 times better for Scotland than dividing it among 55 million United Kingdom citizens. Leading British politicians now fear that the government's devolution plans will not work, and are anxiously seeking "a ledge to stop at on the slippery slope to independence."

Any prescription for the future government of Scotland must start by considering carefully what has caused the mushroom growth of the SNP.

Nationalism in Scotland today is not the expression of a cultural revival; it has little to do with tourist visions of Highland clans drinking whiskey in idyllic mountain glens, or marching off to glory to the sound of the bagpipes. Ninety-five percent of Scots do not live in the Highlands, and only two percent speak Gaelic. The bulk of Scots live in a central Scotland belt with Edinburgh and Glasgow as the chief cities, an environment as modern and industrial as that of America's East Coast. Unlike Plaid Cymru (the Welsh Nationalist party), or Irish Republicans, the SNP does not propose compulsory Gaelic, compulsory bagpiping or compulsory kirk (*i.e.* church) attendance. Some SNP supporters can be heard to mutter that they would welcome the removal of Englishmen from top jobs in a number of Scottish-based institutions, but the animus is economic, not cultural.

Appropriately for a land that gave Adam Smith to the world, Scottish nationalism can best be understood in terms of political economy; fiscal and political calculations interact. The union of Scotland and England worked well; for centuries of England's greatness, it paid to be British. In postwar years the British economy has not been strong. Moreover Scotland has had higher unemployment than England and less growth. Both Scottish Socialists and Scottish Tories were anxious to promote Scotland's well-being by claiming a disproportionate amount of public expenditure from the central British Treasury. They held the view that Scotland could not afford to be independent.

In the 13 years of Conservative government from 1951 to 1964, Scots could express dissatisfaction by voting Labour in hopes of gaining more benefits from a change of government in London. Once Labour gained power and the British economy worsened, Scots had two alternatives: to return to voting Conservative, or to vote Nationalist. The 1967 SNP victory at Hamilton was essentially a protest vote.

Today the economic arguments are turned inside out. SNP spokesmen argue that Scotland can't afford to be British; the cost is seeing 100 percent of oil revenues directed to London and allocated there. Independence would not only increase Scotland's wealth enormously, it would also free Scotland from the growing balance of payments deficit and economic ills of England, a

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country now competing with Italy to be the economic sick man of Europe. As unemployment rises in England and cuts in public expenditure are ordered, the costs of remaining British are increasingly evident. As oil revenues begin to flow—the first oil came ashore only a few months ago—both Scots and English will be increasingly conscious of the nationality of the oil in the North Sea. The chief benefit of oil will not be the provision of extra employment in Scotland, for oil exploitation is capital rather than labor intensive, and much of the work force and equipment must be imported. The chief benefit for the foreseeable future will accrue to the government that has the power to tax on the oil flows.

British membership in the European Economic Community provides additional arguments for independence. Scottish Nationalists argue that Scotland's interests will be ignored by a London-based bureaucracy in its negotiations with the Brussels bureaucracy. An independent Scotland, they point out, would be bigger than three EEC members—Denmark, Ireland and Luxembourg—and able to exercise as much influence as Belgium or the Netherlands by having its own ministers at the council tables of Europe. Moreover Scottish entry into the EEC would assure Scots ready access to English markets because of Common Market regulations favoring the free movement of goods, capital and workers. Without this guarantee, an independent Scotland would have to negotiate an economic agreement from a position of considerable weakness.

American oil companies are sitting tight and saying nothing. Exxon, Mobil, Phillips, Conoco and Amoco have all drilled and found oil off Scotland's shores. The heavy capital cost of drilling in the turbulent North Sea means that American companies have sunk large sums of money into Scottish oil, money they will not want to lose by backing the wrong political horse in the next few years. At the moment American influence is most evident in the labor force on the oil rigs. Ten-gallon hats are now more common than kilts in Aberdeen, the center of oil exploration.

The case for remaining British, in contemporary circumstances, must be political, not economic. The Labour government hopes that the creation of a Scottish Assembly in Edinburgh will give Scots sufficient 'home rule' powers to satisfy their apparent demands for more decision-making in Scotland. The Assembly, however, will have substantial powers affecting such matters as education, housing, health and agriculture. Unlike American states, it is unlikely to have significant taxing powers. Its revenue will come from a block grant from the British Treasury. Treasury officials believe a Scottish Assembly will accept the discipline of determining the spending priorities for money allocated by London. Less sanguine political commentators believe it will avoid responsibilities by asking London to solve its problem by offering it more. If the Treasury asks where the money is to come from, Scots will have a simple answer: oil.

Public opinion polls show that Scots are divided about their future government. As of May, 1975, 22 percent endorsed independence and 29 percent a federal form of government. Only 18 percent endorsed the present British government's devolution policy. In other words 51 percent want more change than Westminster contemplates, and 28 percent want less. Since devolution is being decided in London by a predominantly English Cabinet and Parliament, the Assembly will have few Scots committed wholeheartedly to make it work when it comes into effect in 1977, the current timetable.

The immediate dilemma facing the British government is whether to go ahead with devolution proposals that risk becoming a 'halfway house' to independence, or abandon last September's pledge to avoid the risks of a 'runaway Assembly' in Edinburgh. Many Cabinet ministers privately express doubts about devolution, and one wing of a badly divided Scottish Labour party agrees with them. Another wing is urging devolution promptly. The proponents of devolution are likely to carry the day, if only because its critics have nothing to propose in its place.

The outcome of the first election for a Scottish Assembly will do much to set the tone of what follows. In view of the rising unpopularity of the Labour party throughout Britain, it seems unlikely that Labour

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would win a majority. A majority for maintaining the United Kingdom could only be based on an unholy alliance of Scottish Socialists and Scottish Tories, a coalition that would require the skills of a Franklin Roosevelt to keep together. A majority for the SNP is possible, but would require the party to boost its vote by at least 10 percent from last autumn's historic high. The most reasonable assumption at the moment is that no party would have an overall majority in the Assembly. In such circumstances Scottish politicians would initially pursue their age-old custom of quarreling among themselves. But this time they would have as a spur to unite the promise of greater political power for themselves—whether on London's terms or on terms laid down in Edinburgh by jet-propelled and oil-fueled Nationalists.

The Perils of Public Interest Law

by Mark J. Green

In a cluster of nondescript office buildings near Dupont Circle in Northwest Washington, DC resides an unlikely government-in-exile, challenging the existing order by well-publicized forays—in court, in Congress and even on television. Though organizational names lack flair, they do seem concocted by someone who looked under "virtue" in a public-policy *Thesaurus*: the Natural Resources Defense Council, the Center for Law and Social Policy, the Institute for Public Interest Representation, the Center for Study of Responsive Law, the Citizens Communications Center.

These are the public interest lawyers, who for the past six years have waged a crusade against official malfeasance, consumer fraud and environmental devastation. Their existence has sprung from a perceived breakdown in American democratic practice, a state of affairs in which legislatures have become dominated by business contributors and regulatory agencies capitulate to their "regulated" companies. The result: specific economic interests usually prevail over disorganized, noneconomic interests. Public interest lawyers attempt to exert a countervailing force on government officials. If American Airlines can lobby the Senate Commerce Committee and the Civil Aeronautics Board, why not consumer lawyer Reuben Robertson on behalf of air travelers?

These advocates won an attentive and admiring press. And they won many of their cases—to such an extent that by 1975, in the view of advocate Gladys Kessler, the public interest lawyers had become legal chic. "Public interest lawyers have become terribly respectable," she said recently in her small busy office. "They do not suffer any professional or psychological intimidation. They are invited to speak out and participate at fancy bar functions. And those who wanted to have been able to go into the very best private law firms."

But the honeymoon of uncritical affection appears to be over. As public interest advocacy digs in for what may be a war of attrition, there is growing concern over money, members, attention and even survival.

Public interest law's use of traditional representation for untraditional clients has a long linage. Over a half century ago, legal aid pioneer Reginald Heber Smith and the American Civil Liberties Union both developed techniques to defend poor people and the politically oppressed. In 1939 the NAACP's Legal Defense Fund began its campaign for racial equality. In the 1960s Rachel Carson's *Silent Spring* and Ralph Nader's *Unsafe At Any Speed* both stood for the proposition that we could not depend on our industrial-political complex to be our technological watchmen, that citizens were suffering harm—from pesticide poisoning and designed-in auto dangers—while they remained unaware and unorganized.

Then in 1969 three public interest law groups put up shingles: Charles Halpern and Bruce Terris created the foundation-funded Center for Law and Social Policy; Berlin, Roisman & Kessler, launched by three young government lawyers who had seen, firsthand, government indifference to consumer interests, aimed to finance itself by modest fees from public interest clients; and Ralph Nader sought to multiply his impact

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by establishing the Center for Study of Responsive Law.

Although private attorneys chafed at the implied monopoly of public interest by the self-designated "public interest lawyers," there was an operative difference between public interest and private interest advocacy. The former involved attorneys who received a (usually low) salary to promote public policy causes and clients that would otherwise go unrepresented; the latter involved lawyers earning fees from private clients. These new legal activists, therefore, drew heavily on the ACLU, legal services and Legal Defense Fund models, but they pushed beyond it. Instead of representing a specific victimized minority on issues of human rights, they hoped to represent a victimized *majority* on issues of *economic* rights. With these guideposts generally in mind, the public interest lawyers went to work—exposing, occasionally lobbying and litigating.

The first years were difficult. Foundations were hesitant to invest in such controversial enterprises, especially after the 1969 congressional crusade against the money-givers. Fee-paying clients were slow to come and slow to pay. "For our first six months," recalls Charles Halpern, a former corporate lawyer, "the Center for Law and Social Policy was housed in a row-house rented by one of the attorneys; the xerox machine sat on his kitchen table. At several points during this period, it seemed that the venture would have to be abandoned and the four lawyers return to private life." They didn't; still, by 1970, Sen. Edward Kennedy could remark that "we were able to fit almost the entire public interest bar of Washington around a single table."

Especially at first, public interest lawyers came under assault from conservative critics. Chief Justice Warren Burger in 1971 criticized "young people who go into the law primarily on the theory that they can change the world by litigating in the courts." Basic changes are for the legislative, not the judicial, process, he stressed. Taking this view a step further, *Fortune* offered a gloomy prophecy: "By using the law for so many new purposes, they may be loading the legal system with an unbearable burden. . . . Finally law will neither merit nor receive respect or adherence, and the foundation stone of civilized society will have crumbled."

Despite everything, there are today about 190 public interest lawyers in 51 organizations in Washington, with a combined budget of approximately $13 million. Foundation grants support 17 of these groups with $6.5 million annually. Several of the organizations, like Common Cause and Public Citizen, support themselves through individual contributions from the public. Seventeen other groups, those "public/private" law firms on the Berlin, Roisman & Kessler model, that devote more than 50 percent of their effort to public interest work, finance themselves largely by client fees.

The impact of this small legal regiment has been significant. Groups like the Citizens Communications Center make broadcasters aware that their licenses, and hence practices, may be publicly challenged. This threat has enabled the CCC to negotiate settlements favorable to community groups, such as when Capital Cities Communications, Inc. promised to spend one million dollars to develop more community programming. (The group's success can be measured in one way by *Broadcasting* magazine editorials, one of which warned that "the process of challenge and concession is getting out of hand when Washington-based and Washington-wise lawyers start making careers out of representing the challenges," a trend that will result in "regulatory anarchy if Congress doesn't step in.")

In the environmental field, lobbying organizations like the Sierra Club, Environmental Action, Environmental Policy Center and Clean Water Action Project have been instrumental in obtaining passage of the National Environmental Policy Act of 1969, Clean Air Act of 1970, Federal Water Pollution Control Act Amendments (1970) and Drinking Water Act of 1974.At the same time environmental litigators try to spur agencies into improved enforcement of those laws. The Natural Resources Defense Council has filed a series of actions to force the EPA to meet various deadlines established by Congress. Staff members of some agencies on occasion have even suggested to public interest groups that they sue in order to give the staff better bargaining power with reluctant superiors.

Richard Nixon, for one, can also attest to the influence of this new bar, for it was William Dobrovir's milk-fund lawsuit that first got hold of White House tapes; Common Cause forced the Committee to Reelect the President to produce a list of previously secret campaign contributors; Tax Analysts and Advocates initiated the attack on the President's questioned tax deductions; Public Citizen's Alan Morrison persuaded a federal court to rule Archibald Cox's firing illegal; and the Tax Reform Research Group successfully brought suit to get the IRS to release its list of 99 "enemies" warranting special tax attention.

The impact of these public interest lawyers has surpassed the muckrakers of the turn of the century, whose success lay largely in exposure of ills. The new muckrakers first expose but then lobby concern into law and ensure that the laws do not lie idle. Their successes can have a deterrent effect on potentially lawless bureaucrats (and even Presidents), especially when a recently strengthened Freedom of Information Act can throw light on agency actions.

Still it is easy to exaggerate the impact of the public interest lawyers. It is just one percent of the Washington bar: there are some 11,500 private lawyers in the Washington area, but only about 190 public interest lawyers. There are 760 private communications lawyers defending the broadcast industry before the FCC, for example, but only six lawyers representing

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license challengers. The private bar in Washington generates an estimated $307 million annually in revenues; the public bar operates on some $13 million annually. Robert Zener, deputy general counsel to the Environmental Protection Agency, estimates that of the 480 times EPA has been sued, "industry has initiated at least 80 percent of the suits while the environmental groups have initiated 10 to 20 percent."

Will public interest law thrive, or even survive? A catalog of problems threatens to undermine efforts:

- *Lobbying*—"The biggest frustration is not being able to lobby," says Gus Spaeth, referring to the congressional requirement that tax exempt organizations cannot spend any "substantial" time lobbying Congress. It is a law with teeth. The IRS for three years held up a tax exempt petition for the Center for Corporate Responsibility. The center sued, and discovered notes in IRS files saying "perhaps White House pressure"—a consideration that prodded Judge Charles Richey to order the center's exemption. But the threat of such IRS retaliation makes public interest lawyers nervous about a little thing like a phone call to a congressman, lest it be misconstrued by an overzealous tax agent.

This lobbying restriction dismays public interest advocates. Many of the most important public policy struggles—over tax reform, welfare reform, energy issues, corporate concentration, income redistribution—will be essentially fought out in the legislative, not judicial, arenas. Especially frustrating was the dilemma of the Center for Law and Social Policy and its Alaskan Pipeline suit. "We won in the courts and the victory was taken away in Congress," said center director Joe Onek. "The vote in the Senate was a tie, broken by Agnew. Clearly we could have made a difference. But people who knew a lot about the case were barred from participation."

- *Accountability*—Jean and Edgar Cahn, co-deans at Antioch Law School, have written that, "Given the current unresponsiveness of the political system to ethnic minorities, the allocation of public interest law resources to majoritarian, middle-class, white concerns is contrary to the public interest." The late George Wiley, then head of the National Welfare Rights Organization, reiterated this concern at a 1971 conference on "The Bar and the Public Interest" held at Airlie House, Virginia. He denounced the environmental and consumer lawyers for wasting scarce resources on unimportant middle-class matters. Race and poverty, he said, were problems that demanded all our attention.

These and other critics wonder who public interest lawyers really represent. Consumers Union law firm director Peter Schuck thinks that "the notion of the public interest has very little substantive content which is not also intensely controversial. Accordingly it is pretty much whatever we happen to believe in. How do we decide to take a case? It must be interesting and sexy, at least from a lawyer's point of view. We represent causes not clients, and our concerns tend to be abstract and somewhat bloodless." Schuck sees much of public interest law characterized by "arrogance, self-righteousness and elitism," and he suggests that "we must supply for ourselves the self-discipline lawyers usually get from their clients."

The accountability issue is obviously a sensitive one for groups urging accountability in others. At the same time, argues the *Yale Law Journal*, it is unwise to impose too formal a standard of accountability on groups whose function is to promote a variety of positions, whether popular or not. There should be room in society for unelected critics who have the power to advocate, but not judge. "A rigid accountability requirement, though in the name of more honest, complete representation," said the *Journal*, "would for the time being deprive any voice to unorganized interests, and thereby would not even let the stage be set for debate about what is indeed best for those interests." Nor have public interest lawyers presumptuously assumed that they invariably speak for *the* public interest. "You can't be sure you're 100 percent right," says Onek, emphasizing the procedural rather than substantive side to public interest law, "but you *can* be 100 percent sure that these groups are entitled to some voice." Finally these advocates reject the Cahn-Wiley thesis altogether. They point out that many consumer and environmental abuses appear to have a regressive impact—*i.e.*, they hurt the poor more than other groups—as studies from David Caplovitz's *The Poor Pay More* to Philip Shrag's *Counsel for the Deceived* have emphasized.

- *Money*—Adequate funding can make this movement a permanent Washington institution; inadequate funding will make it merely a footnote to the city's legal history.

The litigation wing of Tax Analysts and Advocates and the Media Access Project have run out of money; the Project on Corporate Responsibility is largely defunct. And, most significantly, in May, 1975 the Supreme Court ruled 5-2 in *Alaska Pipeline Service Co.* v. *Wilderness Society* that successful public interest plaintiffs in federal cases are not entitled to court-awarded attorneys fees. The decision seriously demoralized those who saw such court-awarded fees as a major future funding source. But Justice Thurgood Marshall, one of the dissenters, doubted that the case "sounded the death knell to public interest law." In an address to the ABA annual convention last August, he said that, the decision notwithstanding, the high court "acknowledged the power of a court to redistribute litigation costs with legislative authorization."

Also the supply of paying public interest clients appears small and fairly stable—Berlin, Roisman & Kessler has the Consumer Federation of America;

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Bruce Terris represents the Sierra Club—and many of the firms must fall back on traditional private clients to survive. Even in cases with potential fees if you win, there is the difficulty (especially in class action lawsuits) of financing a big, complex case without the assurance of a fee at the end; thus there is often the temptation to settle a case quickly in order to get paid at least some fee to meet overhead expenses.

Foundations have provided slightly more than 50 percent of all public interest funds in Washington. But will that continue?

On April 14, 1974 Ford announced that it would grant another $2.3 million to four public interest law organizations (three located in Washington). But Ford's president, McGeorge Bundy, made explicit what had been feared; Ford's commitment extended through 1975 (this projection has recently been extended) but was uncertain after that. "In the next couple of years," he said, "public interest law firms and their supporters will be looking into alternative sources of funds."

The search for alternatives has begun. The newly formed Council for Public Interest Law is seeking to devise a permanent funding base for its practitioners. Charles Halpern is its new director, and he understands that much is at stake. ". . . the Council will help determine the future of public interest law," he says.

There are several options. Halpern talks of the possibility of a foundation-created endowment fund that could generate two million to three million dollars a year. Thomas Mechling, former politician and present public interest entrepreneur, has just received SEC approval for his "anti-corporation": shareholders invest in a company whose purpose is to sue other companies, with judgments being distributed as dividends. Former Justice Arthur Goldberg has said that "The ideal solution would be if the establishment bar were to take over the support of a number of public interest law firms through the American Bar Foundation and other legal organizations." Indeed the Beverly Hills Bar Association already funds a public interest firm out of members' dues; and former ABA President Chesterfield Smith, well ahead of his association's membership, had endorsed the idea that all lawyers be "tithed" a certain amount annually to fund public interest enterprises. Thomas Field, the head Tax Analysts & Advocates, doesn't think tithing will amount to much . . . "The private bar will be content to expend its eleemosynary instincts in such traditional areas as legal aid and the defense of indigents," he says. "Only a few will be willing to feed the public interest firms that 'bite' their clients."

Ralph Nader advocates "a check-off system" as a money-raiser. He has helped organize 22 student public interest research groups (PIRGs) around the country by getting a half million students in 135 universities to pay their campus PIRGs three to five dollars whenever they send in tuition money. In an extension of this approach Nader is promoting his idea of a Residential Utility Consumer Action Group (RUCAG). If state legislatures or utility commissions will require their utilities to provide a RUCAG form with all bills, consumers could agree to contribute, say, one dollar annually to an action group representing their interests on energy issues. "It could go like wildfire," Nader believes, adding, "if we can get the troops out."

Will public interest law evolve like the Lawyers Guild, the Americans for Democratic Action and the Southern Christian Leadership Conference, which once held center stage among reform enterprises but now play to scattered audiences? Rather than semi-eclipse or dramatic expansion, this movement will most likely continue to parley some small foundation grants, Ralph Nader's lecture fees, Common Cause and Public Citizen dues and some paying clients into a perennial level of activity.

Two current developments, though, could give public interest law something of a new caste. Congressional proposals are pending to end the general ban against the award of attorneys fees against the government and facilitate consumer class actions against business fraud. If both succeed, public interest lawyers may be able to rely on the kind of fee base more traditional lawyers have. The result, muses attorney Bill Dobrovir, is that "public interest lawyers by the 1980s may become what the personal injury lawyers of the 1920s, product liability lawyers of the 1930s, shareholder derivative lawyers of the 1950s and plaintiff antitrust lawyers of the 1960s have become—lawyers who represented those who could not get counsel and who devised ways to make defendants pay their fees. And hopefully we'll be able to make as good a living out of the law as they did."

Finally the government itself appears to be taking over some of public interest law. It seems likely that Congress, after five years of trying, will this year approve a Consumer Protection Agency to intervene in federal proceedings on behalf of consumer interests. "If a CPA passes," says Nader, "I would consider it a $15 million contribution to public interest law." Or each agency, by statute or voluntarily, could create its own "public counsel," as Congress recently did for the Interstate Commerce Commission. The ICC's Public Counsel hired 26 lawyers who defended the interests of farmers, small businessmen, shippers, grain operators, mayors and riders at 17 regional hearings on railroad reorganizations in early 1974. New Jersey has created a Department of the Public Advocate with broad authority to go into state agencies promoting a public interest perspective.

All of these ideas would implement an interesting extension of public interest law, though not its replacement. The last decade has taught us that government and corporate power will always need a citizen counterweight.

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Arts and Lives

Stanley Kauffmann on films

Compiling and Complotting

Brother, Can You Spare a Dime? (Dimension). Searching for the right name for this kind of documentary, Jay Leyda settled uneasily for "compilation film" in his book *Films Beget Films*. At any rate the term suggests a film made up of bits of preexistent films, not of material shot for the occasion. This kind of documentary doesn't get much theatrical release in the US—the last one I can remember is Rossif's *To Die in Madrid* (1965)—but it has become a TV staple, particularly in series like the CBS "Twentieth Century," and there's a quickie "compilation film" on every network right after a major event or the death of a major figure.

Leyda says: "We can start with the premise that anything that has been put on to film can be employed a second time—usually with more force than the first time, depending on the artist who shapes the second employment." The man who shaped the second employment in *Brother*, Philippe Mora, is not much of an artist. He has assembled a lot of footage about the depression years in America, much of it fascinating in itself, but his use of it, far from having more force than the first time, muddies, distorts and cheapens the material.

Mora interweaves fiction films with documentary shots. This practice, long deplored, might have proved an act of daring (like Ralph Bakshi's mix of cartoon and photograph in *Coonskin*) if it served some thematic or esthetic purpose. For instance it might have demonstrated that this was how Hollywood saw the world in the 1930s or, more important, this is how the US wanted Hollywood to see the world. As is, the mixing is mostly just flabbily clever, like the succession of snips from James Cagney pictures, of little or no apositeness, that convert Cagney into a running gag, not a running commentary.

Others have noted, rightly, that *Brother* must be confusing to those who don't know what's going on in many of the clips. A CCC man praises the camps, interesting only if you know that he's talking about the CCC, which isn't even mentioned. And who, if he didn't know them, could identify Walter Reuther and Richard Frankensteen after they had been beaten bloody by Ford's private police at the gates of the Ford plant in 1937 for trying to pass out UAW leaflets to Ford workers? Dozens of such unidentified clips flit by, shorn of point.

Only one word applies to the editing: cheap. Example: Franklin Roosevelt says in a campaign speech: "The hour has struck." Cut to two locomotives, labeled Roosevelt and Hoover, colliding in some stunt. The integrity of whole sequences from fiction films means nothing to Mora. Into a sequence of Humphrey Bogart's *Black Legion* he inserts some Ku Klux Klan footage. Into and around the opening sequence of *Citizen Kane* he weaves bits of a Cagney-Loretta Young picture. Sheer vandalism.

The film has section titles, but they are meaningless because nothing is developed systematically within the sections. Of course any such broad sweep through the film of a decade must convey some idea of the decade, but it's hard to see how less could have been made of good material.

Mora has come up, however, with some prime bits that I had never seen. First is a jailhouse interview with Giuseppe Zangara, the anarchist who shot at President-elect Roosevelt a few weeks before the inauguration, missed him but killed Mayor Cermak of Chicago. In broken English Zangara gives a stubborn pathetic explanation of his action. Then there is a pair of interviews with John Dillinger's father, before and after the bandit's death. In the first the weathered old countryman tries to defend his son, saying he doesn't believe his boy did all the things he's accused of. The second is, presumably, inside the film theater outside which the bandit was shot. (Mora, of course, doesn't identify the locale.) The old man, now in his Sunday clothes, tells us, without tears but with much pain, how sorry he is that things turned out as they did. These two clips of Dillinger senior are a film in themselves.

The only real service *Brother* renders is to remind us of the millions of feet of film in archives around the world out of which fine compilation films might be made. And I hope that Mora never gets near them.

The Wilby Conspiracy (UA). A political thriller, set in South Africa. There is not one credible moment in it, but there is not one boring moment. Such a suspension of disbelief, without the slightest reference to logic or probability, bespeaks the power of convention. When the conventions of Thrillerland are as well supported by dialogue, acting and direction as they are here, the lunacy of the action recedes to a corner of the mind's eye, and some fun can be had.

Rod Amateau and Harold Nebenzal wrote the screenplay from a novel by Peter Driscoll—which I haven't read so I don't know whom to praise for the bright dialogue or to blame for the mechanically shunted plot. (At the end there are three sharp switches in a row, one after another reversing the way you think that things are going to conclude. Instead of pleasant surprise, it gets to be like watching ping-pong.) The story has a touch of *The Defiant Ones* (1958) and one of the same actors, Sidney Poitier. A black activist (Poitier), just released from jail in Capetown, and his (white) woman lawyer's boyfriend, Michael Caine, have to flee together toward Johannesburg and the border because of a bad accidental brush with the police. They drive north, pursued by a security officer, Nicol Williamson, and his smilingly sadistic aide, Ryk de Gooyer. The plot has holes and a lot of arbitrary distension so that the picture will run feature-length. My favorite interlude is one in which Poitier and a woman

Films Worth Seeing

Coonskin. Ralph Bakshi's cartoon-live treatment of race-riven New York. Weak story, but bitter, bawdy, sometimes brilliant execution.

Nashville. The country-music scene as America in not-so-little. Smooth and clever enough, less deep than it wants us to think it.

Smile. It's redundant to satirize beauty contests. But the cast and Michael Ritchie's direction are good.

W. W. and the Dixie Dancekings. Southern bandit sponsors country-music group. Fluff with flavor, most from Burt Reynolds.

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dentist—Indian, of course, to keep color lines relatively straight—have stand-up sex in a shallow closet while the police are searching the dental offices.

But the picture doesn't weary because, firstly, the three principal men are good actors. Poitier, whom I haven't seen in several years, has lost none of his effortless emotional strength and equally effortless charm. Caine is a genuinely witty actor. Williamson, as usual, is like a knife coming at you, with (to mix figures) his words exploding like firecrackers. And Prunella Gee, as the lawyer, is agreeable. If she isn't a native South African, she has done well with that corkscrew accent.

Secondly, as in some of the best Hitchcock, the dialogue is kept light as a dialectic tension against the dark situation. At one point Poitier tells Caine how police attached electrodes to his genitals to make him give the names of confederates but that he gave them only ones they knew plus one other. "Jesus," mutters Caine. Says Poitier, "That was the other."

Thirdly the direction by Ralph Nelson is crisp and competent. His past career has alternated between soggy romance (*Father Goose*) and clumsy action (*Soldier Blue*). Here at least he has achieved featureless, noninterfering narration. John Coquillon, who was Peckinpah's cinematographer on *Pat Garrett and Billy the Kid*, makes Kenya, where this picture was shot, look highly inviting.

A political note. Williamson states vigorously the case for apartheid and suppression of black activism. Nobody answers him. The film's "liberal" assumption is that police brutality and protection of status quo prove in themselves that his arguments are wrong. *This* is wrong: all countries have police brutality and all try to protect the status quo. There are specific and important answers to Williamson, but they are not in the film. I don't want to belabor a picture that only wants to be a thriller, and is a fairly good one, but it does paddle around in a very big subject and it does use some sentimentally false assumptions.

B. H. Haggin on Music

Recent Notable Recordings

This is a report on some recordings in the past year or so that offered great music performed by great, or at least sufficiently good, performers. Considering how indiscriminately the word "great" is used, I think it advisable to say that when I apply it to a piece of music, I am referring to what J. W. N. Sullivan refers to in his statement, in his illuminating book on Beethoven's music, that the expressive content of the music reveals Beethoven as a great spirit; and the structures of musical sound through which he communicates this content reveal him as a great musical genius. And by a great performer I mean one with not only a mastery of his instrument but a mastery in dealing with music that has two components: a plastic sense that produces a coherently proportioned shaping of the sound moving in time; and a sensitivity to the expressiveness of this sound moving in time that makes his shaping of it a revelation of the great expressive content of the work.

The greatest of Beethoven's works, as Sullivan goes on to say, are his last piano sonatas and string quartets, that communicate the state of inner illumination and super-earthly exaltation of his later years. The long-needed great performance of the final Sonata Op. 111 has been provided by Vladimir Ashkenazy (on London 6843).

One hears less of what used to be the generally held idea of Schubert as a composer of lovely melodies who lacked Beethoven's powers for large-scale content and construction. But I doubt that there is general recognition of the fact that one must say of Schubert what Sullivan says of Beethoven. One has only to listen to the opening page of Schubert's last piano sonata, the posthumous one in B-flat, or to its slow movement, to discover an expressive content of inner illumination and exaltation such as one hears in the concluding movement of Beethoven's Op. 111; or to listen to the slow movement of Schubert's String Quintet Op. 163 to discover not only its similarly sublime expressive content but the extraordinary five-voiced texture in which this content is communicated. This reveals Schubert as not only a great spirit but a great musical genius. Regrettably Ashkenazy didn't record his performance of the Sonata in B-Flat; but Christoph Eschenbach's recent performance (on Deutsche Grammophon 2530.477) is musically perceptive and moves with continuity of tension and shape; it is the best of those of today. It does not, however, achieve the illuminating effect of the one Artur Schnabel recorded in 1941, that is available—with Schubert's posthumous Sonata in A and Sonata Op. 53—on imported records (Electrola Dacapo C147-01537/8). These may be obtained either in stores that handle imports, or directly from the importer, Peters International, 619 West 54th Street, New York, New York 10019. As for the Quintet Op. 163, the performance that has long been needed has been provided by the excellent Weller Quartet (on London STS-15300).

Also long needed has been a recording of Schubert's String Quartet Op. 161, that is rarely performed even in the concert hall. But now Columbia has reissued (on Odyssey mono Y3-33324) the superb performances that the Budapest Quartet recorded in the '50s of all three major string quartets of Schubert—Op. 29, the best-known *Death and the Maiden* and Op. 161. The newly mastered reissue produces sound that is finer in quality than that of the original, and that—with treble reduced a little and bass stepped up enough to balance the cello with the other strings—is completely satisfying today.

This Odyssey reissue is one of a series. Recordings establish the fact that the Budapest Quartet of the '30s and early '40s (Roisman-A. Schneider-Kroyt-M. Schneider) operated with an instrumental, musical and ensemble perfection and incandescence that few other groups have approximated and none have equalled. By the early '50s, when it began to record all the quartets of Beethoven, Mozart and Schubert, it could still produce the superb performances that Columbia is reissuing, that still surpass all others. Beginning a couple of years ago with the six quartets of Beethoven's Op. 18 (on Odyssey mono 32-36-00237), and Mozart's six dedicated to Haydn (on Y3-31242), Columbia now has added the three of Schubert, the six of Haydn's Op. 76 (on Y3-33324) and the so-called middle quartets of Beethoven—the three of Op.

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59 (*Rasumovsky*), Op. 74 and Op. 95 (on Y-33316). Reduce treble and step up bass for all of these.

String quartet writing is an art of texture, of which Mozart's quartets provide ear-ravishing examples. But the additional viola of his string quintets, that increases the richness, the sonority and the expressive power of the textures, makes the Quintets K.515 and 516 works of greater stature than the quartets. The violinist Arthur Grumiaux, who plays Mozart with distinction and elegance of style, leads four other excellent string players in an outstanding performance of K.515 (on Philips 6500.619).

Outstanding too is the new Cleveland Quartet's performance of Schubert's *Death and the Maiden* (on RCA ARL1-0483).

Grumiaux is heard (on Philips 835.112) in Mozart's Violin Concerto K.216, with its delightfully high-spirited first movement and its long flow of sustained melody in the Andante that leaves one spellbound. His Concerto K.219 displays another characteristic mingling of high spirits and poignant loveliness. Colin Davis provides with the London Symphony an orchestral context sensitively related to every detail of Grumiaux's playing.

Davis conducts the BBC Symphony in impressive performances of Mozart's Symphonies K.504 (*Prague*) and 551, known as *Jupiter* (on Philips 6500.313). As effective with Berlioz as with Mozart, he has made a new recording of his remarkably clear-textured performance of the *Symphonie Fantastique* with the superb Amsterdam Concertgebouw Orchestra (on Philips 6500.774).

Young James Levine, who has been amazing the musical public with his performances of opera at the Metropolitan, shows himself able to produce an effective and fine-sounding performance of Mahler's most attractive symphony, his Fourth, with the Chicago Symphony and the soprano Judith Blegen (on RCA ARL1-0895).

Davis also conducts opera with extraordinary dramatic expressiveness; and two notable events of the past year were his *Don Giovanni* (on Philips 6707.022) with a good cast that includes Ingvar Wixell, Stewart Burrows, Kiri Te Kanawa, Martina Arroyo and Mirella Freni, and his *Cosi Fan Tutte* (on Philips 6707.025) with most of the roles excellently sung by Montserrat Caballé, Janet Baker, Ileana Cotrubas, Nicolai Gedda and Richard Van Allan. One role, however, was sung by the harsh-voiced Wladimiro Ganzarolli. An even greater achievement by Davis, a couple of years ago, was his performance of Berlioz's *Les Troyens* in its entirety (on Philips 6709.002) with the magnificent singing of Jon Vickers and excellent singing of Josephine Veasey, but with the first two acts flawed by the voice of Berit Lindholm that is all but solid tremolo. The orchestra and chorus in the three performances are those of Covent Garden.

In opera also there are outstanding reissues to report. One is the *Il Trovatore* recorded around 1951 (on RCA Victrola mono AVM2-0699), with Zinka Milanov, her voice still retaining most of its beauty; Jussi Bjoerling, his voice retaining all its unique beauty; and Leonard Warren. (To obtain the original excellent sound reduce treble and increase bass.) The other is the New York Philharmonic concert performance, conducted effectively by Dmitri Mitropoulos in 1951, of Alban Berg's *Wozzeck* (on Odyssey mono Y-233126) with a cast headed by Mack Harrell and Eileen Farrell.

Finally in this field I report a performance, authentic in text and style, of an opera outside the standard repertory—Monteverdi's *L'Incoronazione di Poppea* (on Telefunken 6.35247). Harnoncourt conducts his Concentus Musicus in the continuo accompaniments of the expressive recitative-like vocal parts, which are sung well by Helen Donath, Elisabeth Søderstrøm, Cathy Berberian and the others, with one exception—the tenor with an unattractive voice who sings the Nurse.

I have found the most beautiful and affecting music of Palestrina to be his motets to texts from the *Song of Solomon*, all 29 of which are sung well by the Cantores in Ecclesia under Michael Howard's direction (on L'Oiseau-Lyre SOL-338/9). And of Lassus it is the 16 musical statements of his Penitential Psalm VII that I find to be most impressive and moving as sung by the Choir of Christ Church Cathedral, Oxford, under Simon Preston's direction (on Argo ZRG-735). The reverse side has the choir's beautiful realization of the polyphony of de Lassus's *Missa "Bell 'Amfitrit' Altera."*

The vocal pieces by Gesualdo that Robert Craft recorded with a small group (reissued on Odyssey Y-32886) include several of the madrigals of Book Five, in which one hears the bold and strange harmonic progressions that make his later writing powerfully expressive.

In this century it is Janáček who offers powerful writing in a highly individual style in his Glagolitic Mass. Rudolf Kempe conducts an excellent performance (on London 26338) with the Royal Philharmonic, the Brighton Festival Chorus, Teresa Kubiak and other soloists, including the tenor Robert Tear whose voice hasn t the power required by some of the declamatory passages he sings.

I conclude my report with Janet Baker singing music of Handel (on Philips 6500.523), deploying her beautiful voice with her sense for shape of musical phrase and her expressive eloquence in his early cantata, *Lucrezia*, and in arias from his later works, including the lovely "Care selva" from *Atalanta* and "Ombra mai fu" from *Serse*. Raymond Leppard conducts the English Chamber Orchestra effectively.

B. H. Haggin's latest collection of critical writing is *A Decade of Music* (Horizon Press).

Reed Whittemore on television

Eric

Eric Sevareid is a photogenic old sage and he has been at the top of his sagebent in his Sunday night series, "Conversations" (CBS) that started in July, ran erratically into September, and seems about to lapse—I hope not for good. Eric plays interviewer in the quiet, slow-paced mode of his predecessor Edward R. Murrow, and the change is a happy one from the belligerently rhetorical Eric of the nightly newscasts. On the newscasts Eric is an editorial writer enamored of his felicitously balanced clauses and pungent tropes, but on "Conversations" he has done his best to be Socratic. Even as Socrates Eric has a know-it-all problem but his restraint has been admirable.

For his first two interviews his guest was John J. McCloy, or rather he was John J. McCloy's guest in McCloy's living room somewhere in the wilds of

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Connecticut. The room was light, airy and spacious and looked out on nature. Eric wore an elegant olive green jacket over a yellow turtleneck, and his silver locks were beautifully groomed, and he kept putting his long index finger *so* thoughtfully against his long left temple that it was clear that he was either a professor of philosophy or God. The finger and the turtleneck kept wanting to steal the show but Eric knew better than to let them. McCloy had a lot to say and TV's dignity was raised a foot or two except when the Geritol ads came on. Eric lapsed conspicuously into his authoritarianism just once, when McCloy was talking about Eisenhower and Eric jumped in to say that *of course* Ike was very stupid (my italics). McCloy said quickly that Ike was *not* stupid (my italics), and then he confounded confusion by proposing that Ike was not only not stupid but not illiterate! Eric retired with grace as McCloy described Ike's felicities with the English sentence. In two full hours with McCloy several decades of American history were covered without other serious interviewer intervention.

George Kennan was supposed to follow McCloy but on Kennan's Sunday evening CBS found itself stuck with a Canadian golf tournament that wouldn't go away at six pm. The Kennan conversation was postponed until September and on the next Sunday Eric had for a guest Willy Brandt, with whom he kept referring to Kennan. With Brandt's appearance it became clear—as it would have been clear with Kennan also if Kennan had come second—that the interviewees for the series had been chosen partly because they were old sages of at least Eric's vintage, and partly because as sages they saw eye to eye with Eric on big issues. That is, they were for a strong front against communism, were full of free enterprise and democracy (though Brandt did go into his early socialism) and were of the opinion that there existed in the world something fragile known as Civilization. (Something not well represented by the Geritol ads.) With Brandt Eric wore a wide-lapelled business suit and an elegantly conservative blue tie. Brandt was on for just one Sunday evening (so was everyone else to come) and on the Sunday after that Eric's time was preempted again, this time by an uncivilized pre-season football game. Then came the Peabodys.

The Peabodys consisted of a fine New England grandmother Mary Peabody (she who played liberal Yankee in Florida during the '60s and was jailed for her pains) and her daughter Marietta Tree (she of diplomatic distinction who was accompanying Adlai Stevenson on a London street when he was stricken) and her granddaughter Frances FitzGerald (she who received the Pulitzer prize for her Vietnam book, *Fire in the Lake*). A distinguished threesome. The far-flung conversation that Eric flung them into took into account Mrs. Peabody's Florida jail, that had been "a very nice jail," and daughter Marietta's luncheon for the Queen Mother of England that occurred while Mrs. Peabody was *in* the nice jail, as well as many more important matters like service to society, the marital state and what was wrong with contemporary journalism. To bless the well-windowed parlor of the Peabodys Eric returned to his yellow turtleneck. The program thrived.

It was with Eric's next guest that the Civilization theme rose to an unnecessary shrillness. The guest was Leo Rosten (he who for years shuttled between important movie jobs and important federal jobs) and the scene was his closed-in New York apartment. All the shots of Eric (again in yellow) were from the front so that his distinguished index finger received little play, and perhaps as compensation both Eric and Rosten chose to talk up Civilization straightaway. The result was that they both sometimes managed to be snobs. TV is a sensitive instrument for detecting poor human frailty like a stutter or a grimace or a haughty eyebrow, and on this occasion it chose to reveal that Rosten was a compulsively assured speaker who always had the answers, and that Eric was an aristocrat among journalists who was full of a deep anger that his profession had gone barbaric. Rosten talked incessantly about the wonders of freedom but he was not at all happy with what youth and the movies were doing with freedom. Similarly Eric, though fearful of censorship, was not at all happy with his fellow journalists, the overindustrious ones who were impolite at presidential press conferences and who overplayed their investigative reporter hands. He called them "howling monkeys," a good characterization that was rendered less good by his excessive assurance that he was not one. As Rosten and Eric brought their communings about vulgarity to an end the show's message seemed to be *not* that American Civilization was essentially

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dandy and worth preserving (Eric had asked Rosten if he still believed in the American Dream and the answer had emerged as a learned yes), but that two old gents were annoyed at the world of youth around them. In other words the tone was wrong, which was too bad because the conversation was excellent.

The last old gent on this series of "Conversations" was Robert Maynard Hutchins (Kennan was inadvertently last in fact but was meant to be earlier) and Hutchins was a good choice for a finale. Not only did he wind the thing up by mildly saying of TV itself that it was "making us what we are today" and that we could use a lot of Civilization on it, but he even managed to seem modest. Though both he and Eric ran down youth briefly (and took a swipe at *The Greening of America*) they emerged as contented rather than offended old sages, and their common bliss was emphasized by an extraordinary sartorial coup: Hutchins was wearing a turtleneck *too* (his was black).

What the entrepreneurs are saying about the future of "Conversations" in the smoke-filled corridors of CBS power is not for this reporter to know, but he hopes they are saying good things even as he doubts that they are. CBS has the higher-powered talking-heads show, "60 Minutes," programmed for Sunday nights too, and that is run by Mike Wallace who might be described by some, if not by Eric, as a howling monkey. Howling monkey-heads have higher ratings than civilized heads, and howling monkey-heads are not necessarily merely howlers. Certainly Mike Wallace is not. He has a remarkable record, he is not readily labelled, and his "60 Minutes" is a serious effort, as "Conversation" is not, to compete with regular moron TV in terms of pace, variety, excitement. An outsider to CBS machinations would have to guess that Eric will lose to Mike, and be sorry. It would be good if both could continue.

If "Conversations" should in fact go on it might be improved by the choosing of other conversers than old sages, but it should not go the "60 Minutes" way, should not be compressed, souped-up. Let Eric's index finger thrive, and let the apparent leisure that he has striven for in conducting the first seven shows be retained even if it does send the ratings down, as doubtless it does. Commercial TV cannot achieve real variety unless it pits the slow and aspiringly serene against its normal frenetic self, and Civilization Eric is a good one to do the pitting.

Reed Whittemore formerly wrote television criticism for *TNR* under the name *Sedulus*. This is the age of disclosure.

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Books Considered

Humboldt's Gift by Saul Bellow

(Viking; $10)

Marginal Notes on a New Novel:

1) *Ideal reader for this book:* probably a man in his middle 50s and up, bookish but not academic, savvy about Trotsky, Freud, Tolstoy, Shakespeare, Greek mythology, Samuel Daniel, Emerson, Whitman (essential), Blake, Plato, Meister Eckhart etc. Remembers Andy Gump, Tito Schipa, Dzerzhinsky and Cremo cigars. Has some interest in New York left intellectual scene, *circa* 1930-1950, and would recognize photographs of Dwight Macdonald and Delmore Schwarz. Chicago-born like Augie March and aging hero of *Humboldt's Gift* and hence quivers at references to Kranz's ice cream, Paul Ash's orchestra, Soldiers Field. Can't forget "the familiar depressing multilayered stink" of the stockyards. (Bellow has ingested Chicago's streets, businessmen, politicians, entertainers and eccentrics. He's the true poet of that tough grainy city—not Sandburg.) Finally ideal reader relishes Bellow's thinking out loud, comic pomp and extra-vagance of his idiom, and is familiar with one of.

2) *Bellow's favorite themes, i.e.,* fortunate fall and recovery of sick souls, suffocated by distraction and boredom, lacerated by guilt and self-hatred, who seek with varying success to tune in the Infinite, fuse micro with macrocosm, and escape from death-in-life. Well-trod passage from spiritual torpor to insight appealingly recounted in *Humboldt's Gift* by

3) *Charlie Citrine,* nonstop talker with total recall, distantly related to Augie March and Moses Herzog. About 55 with a bald spot. Author of smash Broadway hit, winner of two Pulitzer prizes and Legion of Honor, in spiritual and financial slump when he begins his odyssey; searching for answers to Big Questions while dimly conceiving himself as Fate's Lieutenant, "stamped and posted," upon whose "spiritual explorations" the fate of humanity hangs. Receptive to any hint from the Ultimate. Despite his intricate subtle mind, perfect mark for crooks, cranks and money-lovers. They push him around, lecture him, cheat him, but they are also

4) *Charlie's instructors and awakeners* as well as projections of his own longings, "a type of psychological delegation." Charlie, rich and famous, returns to his and their gritty Chicago where he's cleaned of his money. Ex-wife Denise, culture snob but Chicago tough, drags him to court, gouges huge settlement (perhaps embodiment of his social-climbing side). Rinaldo Contabile, obscurely underworldish, akin to terrorists "who murder hostages and fire into crowds," a bluffer, histrionic, but tiger of wrath. Begins by all but destroying culture snob but Chicago tough, drags sists in his financial recovery. Dramatizes Charlie's quote from Samuel Daniel: "While timorous knowledge stands considering, audacious ignorance hath done the deed." Demonstrates Charlie's "exuberant impulsive destructive and wrong-headed" side. Szathamar the lawyer, "would-be swinger" and "decaying squaw-man"—parody of "cunt-struck" Charlie and Charlie's pander.

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Renata, Charlie's cheerful mistress: flaunts her "sensual superabundance" and incarnates his own sexual appetite but unfooled by his labyrinthine deceits. Deserts him for Flonzaley, the mortuary magnate, thereby permitting Charlie to link up with Creation. Swiebel, "biocentric," a health nut guided by "Nature, instinct, heart," who holds his body in "numinous esteem." Julius, Charlie's rich big brother, maker and loser of fortunes, rank, meaty, heavy feeder. His imperial sins less reprehensible than Charlie's sins of omission. Charlie inhales perfume of goodness still clinging to piratical Julius who represses his affection for his "sexy" little brother with his "big-time mental life" but values his powers of memory, his tentacular hold on the past. Charlie's imagination contains multitudes. He incorporates and identifies with whole multifarious cast of *Humboldt's Gift*. Poetry, a form of remembering, is a social act and a priestly one. His decision "to carry on for certain failed friends" demands withdrawal from money-world and insight into duplicities of success. "Now I was only simmering, still," he says at one point, "and it would be necessary at last to come to a boil. I had business on behalf of the entire human race." Charlie's Emerson is

5) *Von Humboldt Fleisher*, named after a statue in Central Park, idol of Charlie's youth, object of his deepest longings. Humboldt a celebrated poet in '30s, forgotten in '40s, paranoid in '50s, dies late '60s in squalid New York City hotel. Though long estranged from Humboldt, Charlie obsessed with his friend and mentor. Sees him as prototype of "failed poet" whose death gratifies US by proving superiority of material over spiritual power. Humboldt served up as martyr-victim for "successful bitter hard faced and cannibalistic people" who exult in death of poets. In '30s Humboldt warned Charlie to behold the abominable and beautiful rich only as they are mirrored in the "shield of art," but Humboldt wanted wealth and fame himself. Dragged into power struggle, driven loony, died poor, rose "on cultural Dow-Jones," and enjoyed "briefly the prestige of significant failure." Charlie's mission: to find out why such a noble electrical man produced so little. But recovery of Humboldt's legacy seven years after his death compels reassessment. At last moment, Charlie decides, Humboldt made a "Houdini-like escape" from madness and world's distractions and affirmed belief in Blake's visionary world. His "gift" to Charlie not merely preservation of what turns out to be lucrative movie scenario but more important—a corroboration of

6) *Charlie's solution* of what he calls, with an assist from Whitman, "the death question." Charlie says: "socially, psychologically, politically, the very essence of human institutions was an extract of what we assumed about death." Hence he's drawn to books of Rudolph Steiner and enrolls in "theosophical kindergarten" of one Dr. Scheldt, expert in spiritual esoterica. How do you face "the big blank of death?" Charlie can't believe anything so extraordinary as human soul "can be wiped out forever," the arguments of rationalists notwithstanding. Punctuating comic and frenetic episodes in novel are his theorizings on power of soul to escape into the supersensible, on what impairs communication between spirit and invisible forces, on why denial of post-earthly existence has turned world into battleground, on why Whitman said "democracy would fail unless its poets give it great poems on death." [Reader: you either like this sort of thing or you don't.] Barrier to transcendence and inability to read signature of cosmos in part a consequence of

7) *Boredom*, a theme on which Charlie hopes to write master essay that will do for boredom what Malthus did for population. Boredom defined: "a kind of pain caused by unused powers." Mind can't exfoliate, no *personal* connection with external world, cooped up in self-made prison. Seat of boredom the self-conscious ego. Bored intellectual reflects his own disenchantment, not the world's. Solution: be an "entity," (Gertrude Stein's term). A person becomes significant, an "entity," when he awakens from the deep snooze of hyperactivity ("sloth") and by wise passiveness, by listening to voice sound in his soul, crosses "the abyss that separates him from spirit." Opposite of "entity" is "identity," socially conferred at expense of true self. Society kills "entity." Society "infects you with its restlessness . . . trains you in distraction, colonizes consciousness as fast as consciousness advances." Mankind must fragment itself into "entities" and recover its imaginative power." Poetry paves the

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way. Humboldt's gift: assertion that "sleepers do awaken. Exiles and emigrants do make it back, and dying genius can recover."

8) A few Charlie-isms:

Cops have their own way of ringing a doorbell. They ring like brutes.

America is a didactic country whose people always offer their personal experiences as a helpful lesson to the rest, hoping to hearten them and to do them good—an intensive sort of personal public-relations project. There are times when I see this idealism. There are other times when it looks to me like pure delirium.

Never has any country given its people so many toys to play with or sent such highly gifted individuals to the remotest corners of idleness, as close as possible to the frontiers of pain.

I experienced the high voltage of publicity. It was like picking up a dangerous wire fatal to ordinary folk. It was like the rattlesnakes handled by hillbillies in a state of religious exaltation.

Most political views are like old newspapers chewed up by wasps—faded clichés and buzzing.

People are really far more naive and simple-hearted than we commonly suppose. It doesn't take much to make them glow.

9) A Bellovian's last thought: read novel *not* because some of characters based upon real people, but because Bellow like Charlie Citrine has a turned-on mind, talent for absurdity, serious wit; because he animates ideas, converts categories and conceptions into flesh; because the past is contemporary for him, the old new, the new old; because he disdains the modish and goes his own way; because he isn't given to reading private gripes into cosmos; because he's an *entertaining* expounder; because this novel of recollection and meditation takes him another book further into his expanding universe.

Daniel Aaron

Daniel Aaron is professor of English and American literature at Harvard.

COMING

Elizabeth Bishop on Sylvia Plath
James Dickey on Allen Tate
Peter Gay on Allen Nevins

Willard and His Bowling Trophies: A Perverse Mystery by Richard Brautigan

(Simon & Schuster; $5.95)

It strikes me that the secret of Richard Brautigan's fiction and poetry is that, like the symbolism of D.H. Lawrence, it means exactly what it seems to mean. Trying to delve deeply into it is like trying to delve deeply into a cigar box; what's in it may be good, bad or indifferent, but there really isn't very much of it and its pleasures are soon exhausted. It may be a sign of the times (or something) and it is certainly a symptom of the current state of American fiction that some critics doggedly persist in treating Brautigan as if he were a Joseph Conrad instead of an Art Buchwald: it is such a blessed relief to find someone who writes so *nicely*. There is no denying that he turns a pretty phrase and does so often; it is his greatest gift, and not one to be stinted. But it should also not be overlooked that turning a pretty phrase is just about all that he does. There is a streak of sadness in him that is refreshingly without self-pity and a streak of kindness that is almost magically free of condescension, but the fact remains that he is a constructor of sentences, not a fabricator of situations. When he looks out on the world, he sees shapely prose and not the dark and vagrant mysteries of the human condition. The reader will find no sense of majesty here, or of its loss, no irritating complications such as madness and thwarted hope, no terror but a good deal of pity. Richard Brautigan will give no one bad dreams. He is sorry for us, and he is fun to read. When one has said that about him, one has said about all there is to say.

Willard and His Bowling Trophies finds the mixture much the same as before; things have not changed since his last novel, *The Hawkline Monster*, or the novel before that, *The Abortion*, or the novel before that, *In Watermelon Sugar*, or the novel before that, etc., going all the way back to his first, *Trout Fishing in America*. If anything, the books are getting easier to read all the time, as though the traditional pedagogical progression were to be reversed, with the first graders starting on early Fitzgerald ("A Diamond as Big as the Ritz" comes instantly to mind) and the graduating seniors ending up with *Dick and Jane Go To Camp*. You could stretch *Trout Fishing* over a couple of pleasant days; *Willard and His Bowling Trophies* takes about an hour and a half. It is about Bob and Constance, a nice young San Francisco couple who are into a mild sadomasochistic scene while Bob slowly falls apart and spends most of his time reading *The Greek Anthology*. Brautigan feels sorry for them. The reader will feel sorry for them too. Downstairs live John and Pat. John and Pat are another nice couple. Richard Brautigan likes them. The reader will wish they lived right next door. John and Pat are the owners of Willard, a paper-mache bird sculpted by an obscure artist living on his wits. Surrounding Willard are dozens of bowling trophies. John and Pat found them in an abandoned car in Marin County. Together with Willard they make quite a display. Depending on taste, the reader may wish he had one just like it. I do.

The bowling trophies have been stolen from the Logan brothers, sturdy, upright young amateur champions of the sport, who have been turned into thieves, desperadoes and finally murderers as they aimlessly scour America for their lost treasure. I think the bowling trophies and the Logans' search for them are meant to represent the sleaziness and degrading pointlessness of American life. I think Brautigan thinks so too. (What Willard means is anyone's guess; I think Brautigan wants it that way.) The novel tells the story of the end of the brothers' three-year quest. It is not a happy ending but, like everything Brautigan attempts, it is nicely done.

Richard Brautigan has a sort of modified Midas touch: instead of gold, everything turns into feathers. They are handsome feathers and they have been arranged with the skill of a Japanese floral designer; I am going to place the book in my extensive collection of Brautiganiana, with my thanks to the author for having provided me with a relaxing 90 minutes, my face sometimes touched with the ghost of a smile, sometimes with the ghost of a frown. And having placed it there, I am going to take down my copy of Hemingway's "Big Two-Hearted River" and listen once again to Nick Adams as he thinks about how, soon, he will have to fish the swamp. A place Richard Brautigan will never go.

L.J. Davis

L.J. Davis's most recent novel is *Walking Small* (George Braziller).

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A True History of the Assassination of Abraham Lincoln by Louis J. Weichmann

(Knopf; $15)

Washington, DC April 14, 10:10 pm. The President leans back in his chair, shifting his legs for the 10th time that night. He smiles to himself. He is unaware of the pistol taking aim just two feet from the back of his head.

Across town the Secretary of State dozes in bed. Cries of "Murderer!" and sounds of struggle come from the hallway. His eyes fly open. A man with a knife falls on him, slashing at his throat.

In a hotel room the Vice President reads the day's newspapers. His bodyguard naps outside the door. Neither knows that in the room directly above a man with a revolver and a knife listens to their every move.

On the Washington-Philadelphia night train, the Lieutenant General of the US army and his wife are already asleep. They don't hear the door knob of their compartment rattle as it is turned by the man crouching in the passageway.

And in a darkened house on H Street, a woman waits by the bedroom window. The only noise is the clicking of her rosary beads.

The plot of a Richard Condon novel? No. A new, nonfiction book that its publisher considers a historical breakthrough and certain best seller. *A True History of the Assassination of Abraham Lincoln and the Conspiracy of 1865* is a firsthand account by Louis Weichmann of the conspiracy to avenge the Confederacy by annihilating Union leadership. As a plot it has great daring. But like most acts of political adventure, its results were unanticipated.

John Wilkes Booth did kill Lincoln, but he also killed any chance the South had of receiving gracious treatment from the North. Booth himself was shot and killed by Union soldiers 12 days after the assassination. All the other plotters, save one, were caught and brought to trial before a military commission. Secretary Seward's would-be assassin (Seward recovered from his wounds), Lewis Payne, pleaded guilty without remorse. The man assigned to do in Vice President Johnson, George Atzerodt, claimed that at the last minute he refused to follow Booth's orders and spent the night of April 14 drinking at his favorite tavern. Gen. Grant's hitman, Michael O'Laughlin, swore that he, too, spontaneously bowed out of the conspiracy and passed the night drinking. Booth's companion during his unsuccessful flight, David Herold, presented a defense that ranged from innocence to feeble-mindedness. Mary Surratt, the owner of the boarding-house that nested the conspiracy, pleaded total ignorance.

Even though Booth's premature death gave the cabal a perfect scapegoat, all were found guilty. Payne, Atzerodt, Herold and Surratt were executed on July 7, 1865. O'Laughlin was sentenced to life and died shortly thereafter.

Six of the 10 conspirators received rather swift punishment. Three others, including the doctor who set and bandaged Booth's broken leg, received life sentences—though they were later pardoned. The last conspirator, Mary Surratt's son John, escaped to Canada and then to Italy where he was discovered in 1867. He was brought back to Washington and tried before a civilian court. Surratt's defense was to pin everything on Booth; his trial ended in a hung jury.

Louis Weichmann was one of two chief government witnesses against the conspirators. As a boarder in the H Street house, he was in an ideal position to watch their comings and goings during the months preceeding the assassination. So ideal in fact, that John Surratt charged that Weichmann not only knew of the plot but wished to have a part in the doings. Weichmann was a bookish government clerk who, at the time of the assassination, was teaching himself shorthand. A man who could neither ride a horse nor shoot a gun seems an unlikely convert to a gang of southern cavaliers who rode fancy horses, smoked cigars and got drunk regularly.

If Weichmann is to be charged with anything, his frequently pious, occasionally whiney tone could convict him of second-degree selfservingness. Indeed Weichmann felt persecuted and

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misunderstood; he undertook this memoir for "personal vindication." The manuscript was finished several years before his death in 1902. It was not published, however, and remained in the Weichmann family until three years ago when Floyd Risvold, an Americana collector, acquired it.

Whether or not our view of Weichmann is changed by his account, it contains little new evidence on the assassination. In the weeks following Lincoln's death, Washington was electric with rumors about the conspiracy. At first, suspicions centered on the Confederate leadership—Lee had surrendered at Appomattox just five days earlier. Then a Catholic plot was suggested (four of the conspirators were Catholic). Some Machiavellian types believed that the conspiracy was part of a palace revolt led by Stanton, Lincoln's Secretary of War.

Long after the trial, persistent rumors circulated that one or another member of the military commission had contracted a dread disease, or died in sudden and peculiar circumstances. Actually all members of the commission lived to enjoy decorated old ages. As more recent experiences with assassination show, the public mind is often determined that great events have great explanations; just as the government is determined that such events, from Kennedys to Allendes, fit the one-man-one-gun-one-bullet mold.

In this case, however, historians have not been able to unearth a conspiracy larger than Booth's ego. Weichmann's account bears out that estimate. This version puts most of the blame on Booth. His original plan was to kidnap Lincoln and bargain for the release of Confederate POWs. He got in touch with John Surratt who was a Confederate courier and knew how to slip through Union and Confederate lines around Washington. Between them, they recruited the rest of the conspirators. Sometime during the final weeks of planning the plot changed to mass assassination. Weichmann's case against all 10 is convincing—he describes midnight meetings, guns and odd parcels passed back and forth, mysterious conversations, horses stashed around town. Questions have been raised about the complicity of Mary Surratt and Dr. Mudd, and there are occasional attempts by descendants to clear family names. All told, though, Weichmann seems to have the goods on everybody.

A True History . . . is not a new history. There isn't even much juicy backstairs gossip. Booth remains a shadowy figure, but Weichmann's recollections suggest he belonged to the Sirhan-Bremer weird jottings school. Weichmann does bring together a coherent picture of the conspiracy and its aftermath, including the morbid coincidences that accompany such dramas. His account of the actual conspiracy and capture of Booth is riveting. And like a Condon novel, once you believe the plot, all else follows.

Susan Previant Lee

Susan Previant Lee teaches American economic history at Barnard College.

The First Casualty by Phillip Knightley

(Harcourt Brace Jovanovich; $12.95)

When war comes, truth is the first casualty, Hiram Johnson warned the US Senate in 1917, and now a Fleet Street journalist, Phillip Knightley, suggests that war correspondents were accomplices in the slaying.

The bulk of evidence in this engrossing history of battlefield reporting clearly points to guilt. In a dozen wars from the Crimea to Vietnam, war correspondents with few exceptions lacked the moral courage to report fully and impartially what their own eyes told them was true. In all but the Vietnam war they tended to identify themselves with the military instead of standing aloof. Sometimes they wrote propaganda, and their dispatches were often little better than the official communiqués—not so many outright lies perhaps, but equally distorted by the omission of unpleasant facts. Swinish behavior by the friendly side was underplayed, if mentioned at all; "atrocities" were committed only by the other side. Bungling and corruption went unreported. The plight of civilians was only a sidelight to the battle. No one ever challenged the war aims, or dared question the justification for all the horror and misery.

There were, of course, some extenuating circumstances, Mr. Knightley concedes. Most writers belonged to one side or the other and could hardly be expected to squelch all feelings of allegiance and patriotism. Moreover, in the days before Korea and Vietnam, wars were often "popular" especially in the early phases, and the patriotic fervor at home was intense enough to reporters and editors wary of telling the bitter truth. There was censorship, sometimes capricious, sometimes so crushing that the correspondents could either produce propaganda or give up and go home.

And finally the editors. Some were hawks, some were doves, some tried to be neutral, but they all had opinions and a tendency to wince when their man at the front ventured a different viewpoint.

"Am I to tell these things or hold my tongue?" William Howard Russell, the first great war correspondent, asked *The Times* of London from his assignment in the Crimea in 1854. This plaintive query was echoed by many a correspondent as he faced the risks of truth-telling in wartime.

Russell held his tongue at first. He reported the suicidal Charge of the Light Brigade as though it were glorious and ennobling instead of stupid slaughter. But then, encouraged by his editor to "tell the truth, and as much of it as you can," he began exposing the incompetency of the British command and the poor equipment of the troops at the onset of a Russian winter. His dispatches brought down the London government and led to the birth of military censorship. Queen Victoria was displeased with *The Times*. Prince Albert called Russell "that miserable scribbler," and Sidney Herbert, the former Secretary for War, suggested lynching.

Subsequently Russell went to America for *The Times* and reported from the Northern side the opening months of the Civil War. This time the editors were unhappy with his copy. Russell was pro-North; even after Bull Run he kept predicting Northern victory. His pro-South editors didn't want to hear it. Russell came home and was pensioned off. He was replaced by a poet-journalist who gave the editors what they wanted—a confident prediction that Lee would soon take Washington. When Lincoln won the war, the editors sacked the poet.

There is nothing more crushing to a war correspondent than to have an exclusive eyewitness report scuttled by some disbelieving editor sitting thousands of miles away. That is what happened, the author recalls, to Herbert Matthews during the Spanish Civil War. Matthews, covering the Republican side for *The New York Times*, came up with the first hard evidence that Italian

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Fascist troops were in action on the side of Gen. Franco and the insurgents. He reported emphatically that the attacking troops in an action north of Madrid were "Italian and nothing but Italian." Matthews talked to Italian prisoners. He saw dead Italians buried. There was no doubt about it. But back in New York editors struck every mention of "Italian," substituting the word "insurgent." This butchered the whole point of the story. An assistant managing editor cabled Matthews: "We cannot print obvious propaganda for either side even under bylines."

Matthews and the *Times* had come under attack from pro-Franco Catholic groups. The editors, determined to appear impartial, decided to give Matthews's dispatches equal play with the stories from its man on the Franco side, William P. Carney, a Catholic. The plan was a disaster for, according to Knightley, Carney was "simply not in Matthews's class" and "giving the stories equal length often meant overplaying a bad story and cutting a good one."

The author, an Australian-born investigative reporter for the London *Sunday Times*, has never covered a war, and according to the dust jacket he has never heard a shot fired in anger. He is quite fair in discussing some obvious roadblocks in the way of truth, such as bad censorship and bad editing. But when he chides correspondents for allowing themselves to be coopted by the military machine instead of adopting an independent pose he shows little feeling for battlefront realities. He forgets that the correspondent is usually totally dependent on the military for transportation and food and must usually rely on army communications to get the story out. He can be disaccredited and thrown out of the theater for compromising security, giving aid and comfort to the enemy, spreading gloom and despondency, or suggesting that the general is a dolt. And the military can make his life miserable in a score of lesser ways, not the least by cutting off his PX privileges and denying him the solace of tobacco and booze.

Knightley rates Vietnam as the best-reported war, partly because there was no censorship, and World War I as the worst because censorship then was intolerable. But he says that even in Vietnam the correspondents—particularly the Americans—seemed reluctant to report atrocities: the My Lai Massacre was exposed not by a writer in Vietnam but by a free lance reporter in the US more than a year after the incident. And Nixon's covert bombing of Cambodia was "kept hidden for a year."

There were some fine American correspondents in Cambodia; he mentions David Halberstam, Neil Sheehan, Malcolm Browne, Charles Mohr, Peter Arnett and Jack Laurence among others. Unfortunately his account ends with the 1973 cease fire, too early for the most dramatic journalistic feat of the war, the fall of Pnom Penh as reported by Sydney Schanberg, *The New York Times* man who decided at great personal risk to remain in the Cambodian capital and watch its surrender to the Communists.

As a whole the American coverage was weak on the "racist and brutalizing nature of the war," Knightley concludes. In discussing atrocities he says: "The Americans mutilated bodies." He makes this statement without qualification. Not "a few" Americans, or "some" Americans, but "the" Americans violated corpses. Knightley goes on: "One colonel wanted the hearts cut out of dead Vietcong to feed his dog. Heads were cut off, arranged in rows and a lighted cigarette pushed into each mouth. Ears were strung together like beads." A few pages later he says that My Lai was not an aberration but "an unusually pure example of the nature of the war in Vietnam and departed little—if at all—from common American practice."

Vietnam was a singularly corrupting war for Americans and there was plenty of well-documented nastiness to repent. But to suggest that the troops made common practice of shooting down women and children in cold blood and cropping ears off the dead is a descent to the level of World War I fabrications about the beastly Hun. It mocks the author's preachments about objectivity and truth.

Homer Bigart

Homer Bigart, former foreign correspondent for *The New York Times*, has won two Pulitzer prizes for journalism.

The Back of the Book

Legendary John Reed

"I've got to hustle."

The young man at the circus in Kafka's "Up in the Gallery" watches "a lovely lady, pink and white" poised on her horse while the devoted ringmaster conducts her graceful maneuvers. If hypothetically the performance did not go that way, if instead the lady were to be forced 'round for months "by a ruthless ringmaster to the unceasing roar of the orchestra," then the young observer might race down into the ring, and yell Stop. But since that is not the way it is, "the visitor to the gallery lays his face on the rail before him and, sinking into the closing march as into a heavy dream, weeps without knowing it."

Romantic Revolutionary: A Biography of John Reed by Robert A. Rosenstone (Knopf; $15).

The difference between John Reed and most of us visitors to the gallery is that Reed would have turned Kafka's hypothesis into a fact by jumping into the ring at the outset. He either would have seen the peril of the occasion or created it, and he would have acted foolishly and said unseemly things where most of us would have kept our seats. Reed made a habit of saying and doing wrong things: at Harvard where he tried to bluster his way into final clubs; at the Paterson, New Jersey silk workers' strike of 1913 where he was jailed for talking back to the police; in Mexico where he rode with Pancho Villa; at the Western front where he committed the war correspondent's unpardonable offense of firing a gun; at the mine workers' strike in Ludlow, Colorado; and finally in Russia, cheering and joining the Bolsheviks. Just short of 33 when he died, Reed was what we call, for safety's sake, a legend in his time.

From his school days through his education in socialism, and particularly in his writing, Reed seemed to live in a serialized romance—The Adventures of Jack Reed. Fictional sketches he wrote often had at their centers one would-be

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Dr. Jekyll eager to drink some elixir that would transfer him to new courage. Passion propelled Reed everywhere, if only to catch the self-image he projected. His most recent biographer, Robert A. Rosenstone suggests that fear and doubt had much to do with Reed's abandon; but everyone has fear and doubt, and few would be willing to die in their behalf. Rosenstone has written a superb biography, a model of how to trace the growth of a mind while staying true to the facts.

The facts of Reed's life are short and simple. In 1887 he was born in Portland, Oregon, still very much a frontier city, where his grandfather had been one of the town founders. He was sent to prep school in Morristown, New Jersey, where he overcame an early physical frailty and became a fair athlete, a good prankster and an occasional student. From Morristown he barely made it into Harvard where he felt as an outsider at the start; then, characteristically, he joined every extracurricular organization he laid eyes on. By his senior year he was writing regularly for the *Harvard Monthly* and *Lampoon*, was president of the Cosmos, an international debating club, and of the Western club; was a member of the swimming and water polo teams; and was manager of the dramatic club, the glee, mandolin and guitar, and banjo clubs. For kicks he also became cheerleader of the football team. According to his classmate Walter Lippmann, watching Reed was the best part of the games.

After Europe, Reed went to New York and began his life as a journalist. In 1911 he moved to Greenwich Village at the time it was becoming the new "Bohemia." Reed wrote a piece on the Village that made him spokesman for the Bohemian life-style. He started to move toward socialism then, and by the time he had been to Paterson and with Mabel Dodge had created the idea of the Paterson Pageant in Madison Square Garden, he knew that his life would always be at odds with establishments. He and Mabel Dodge fell in love, lived together in Paris and Italy, and until they broke apart, played king and queen of the Village. Then came Mexico, where Reed showed his strength in artistic reportage (*Insurgent Mexico*); afterwards there was Ludlow; then the Western front for which he had no enthusiasm. A tour of Eastern Europe ending in Petrograd in 1915 gave him a glimpse of what has to be one of the two enduring passions of his life. Meeting Louise Bryant on a return visit to Portland gave him the other.

By the summer of 1916 Reed was a full-fledged radical, supporting radical causes and publications, celebrated and despised in all predictable quarters. He and Louise spent the summer in Provincetown, Massachusetts where, as if for another extracurricular activity, they helped to found The Provincetown Players, for which Reed wrote a number of plays. (Louise had an extracurricular activity of her own that summer—unknown to Reed—with Eugene O'Neill.) Reed and Louise were married in the fall, a strangely conventional decision for them both. Afterward Reed suffered a period of illness and depression that came to an end toward the summer of 1917, shortly after the Russian revolution had begun.

Reed went to the revolution to report and participate; this would be the first conflict he witnessed where his side won. Lenin befriended him, and when Reed wished to return home, knowing that Washington was hostile to Reed, he appointed him Soviet Consul to New York—later retracted. Reed finally did make it home, in the midst of World War I jingoism, censorship and treason trials. There, in two months, he wrote *Ten Days that Shook the World*. In the fall of 1919 he returned to Russia to participate in the Third International. In September 1920, he and Louise were together in Moscow, where he suddenly fell ill of typhus and died on October 17.

Reed believed in the revolution and by the time he was in the thick of it he knew his Marx and had developed some political sophistication. But as Rosenstone points out, a man like Reed could never solely be driven or commanded by things abstract. To him abstractions meant particulars, as they did to Keats: concrete instances of life abstracted from theory. Like Keats, Reed was tempermentally a poet who wanted fulfillment in drama. In Keats's second *Hyperion* Moneta asks the poet "What benefit canst thou do, or all thy tribe, To the great world?" Keats left the question rhetorical, but Reed felt that an answer was within reach.

"The loud showoff, the introspective dreamer"—these are the two sides of Reed that Rosenstone shows us. One feels that there were no other sides, that in an effort to get to the heart of things, Reed only went as the crow flies. When he sought admission to the Harvard clubs, he confronted and affronted the members directly. He admired Villa, partly for his ruthlessness. Reed had an

Courtesy of Harvard University Portrait Collection

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Uncle Hal who one day walked into a Portland bar, ordered a glass of water, poured cyanide into it and drank it down. A sense of adventure was in the family.

Of course Reed could be a fool as well—not just the kind of fool whom reactionaries call a fool—but the genuine article. In "A Letter about Jack Reed" (*TNR*, May 20, 1936), Lincoln Steffens, a good friend, recalled that one night Reed discovered a weeping down-and-out singer "who had never been appreciated"—the greatest singer in the world, said Reed. "In the next few weeks that crazy gang—Jack, Bob Rogers, Bobby Jones, Mabel Dodge—got all the music and dramatic critics in the greatest city in the world to give a concert for their singer, and before a mixed audience of swells, proved—well, all that that singer was found to lack was a voice."

Walter Lippmann wrote an earlier article about Reed for *The New Republic* ("Legendary John Reed," December 26, 1914) in which he began to mold the legend by recounting one episode where Reed allegedly bathed in a fountain designed by Michelangelo, and another where "he wrestled with a ghost in a haunted house, and was thrown out of bed." The preservation of such anecdotes probably says as much about Reed's power to impress himself on people as anything that Reed accomplished. Except for *Ten Days that Shook the World* Reed actually did very little, but he created Reed; like a sometimes reluctant boxer he repeatedly forced himself into shape.

The major thrust of Lippmann's article was that Reed had "no detachment and [was] proud of it . . . I do not know what to do about him." This tone incensed Reed, even though he and Lippmann were friends, not because it was personally patronizing, but because he wanted nothing to do with the world of tepid feeling that produced and cherished detachment. Reed either would be free or intense, but not detached. Detached one does not go crazy or to jail, but neither does one become a legend.

There are not many who could have led Reed's life, or who could lead it now. Historians (Rosenstone not among them) say that the time was right for Reed, but clearly Reed made his own time. Here we are in our time about to enter the celebration of ourselves in the spirit of happy adamancy. And somewhere, even now, a new John Reed is making a fool of himself, behaving outrageously, getting folks hot under the collar and braying like a jackass. When he has finally done it this time and gone too far, we will find him and shut him up, as ever. Or worse, we will commemorate him with great perfect tears.

Yet none of this will count as much as that wonderful terrified boy, knowing that something was wrong and saying so.

Roger Rosenblatt

Correspondence

To the editors:

The murder of noncombatants anywhere is a loathsome act but surely the attempts by the PLO against Israel are a very different matter ("The New Terrorists," *TNR*, Aug. 30). Here you have a situation of total war that was initiated by the Zionist-created Arab refugee problem wherein the Jews have totally flouted UN decisions; which has backlashed on them in generating a needless chain of reprisals. No one can justify the killing of innocent women and children; for this act, the perpetrator must stand totally condemned. Regaining one's homeland is a different matter and if the PLO has as an objective the "destruction of the Israel state," this is almost understandable.

M. N. Khan
Karachi

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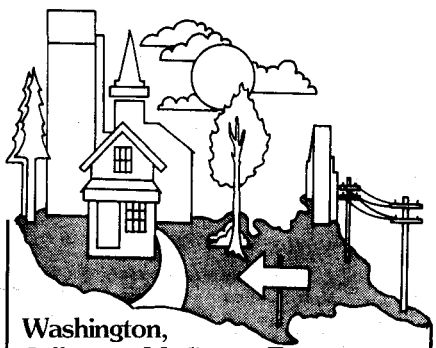

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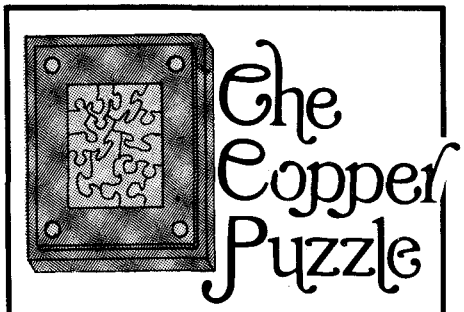

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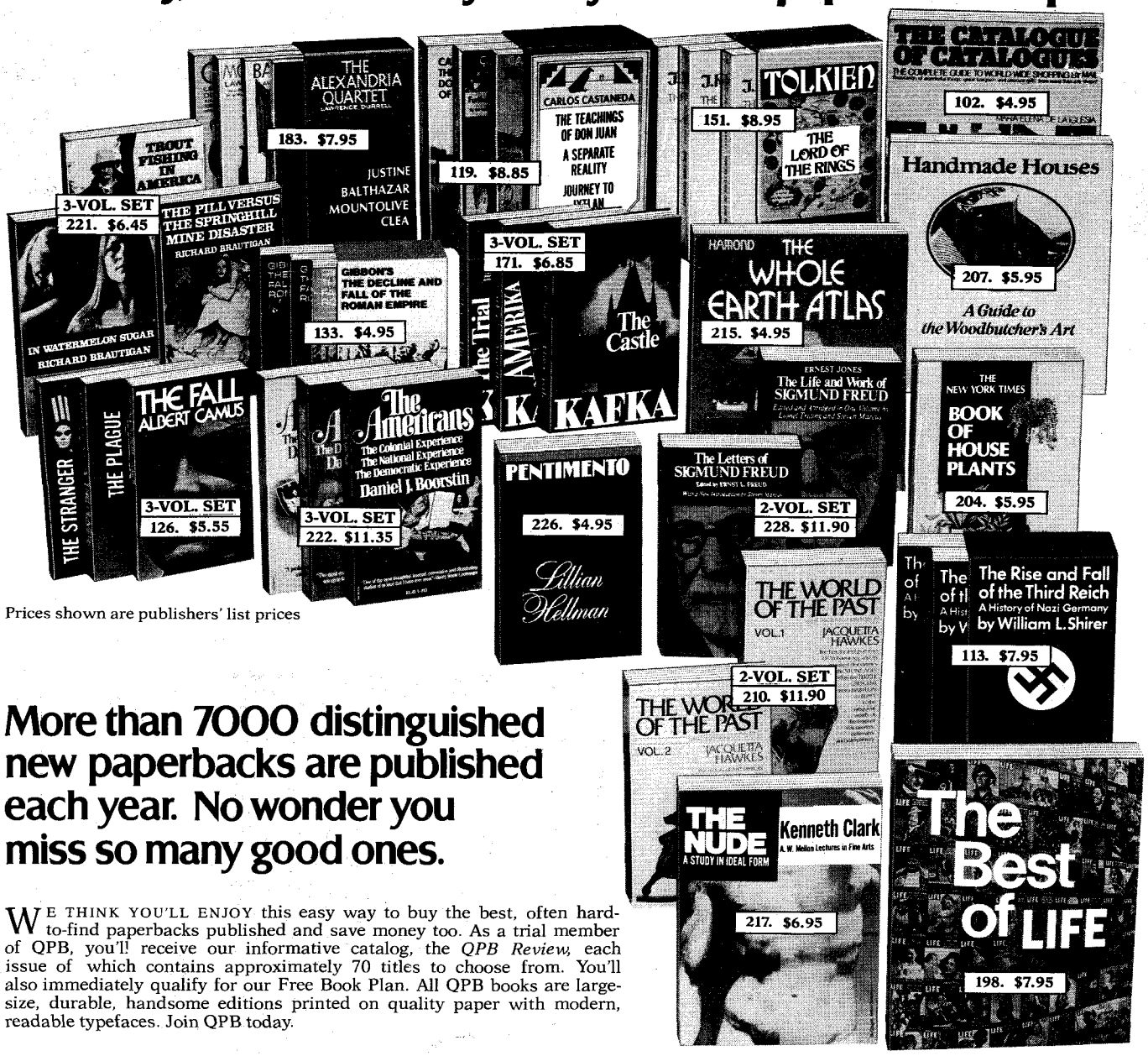

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